

**Notice of a decision to Vary**  
**A Repairing Standard Enforcement Order**  
**Ordered by the Private Rented Housing Committee**

**PRHP Ref: PRHP/DD1/21/12**

**Re: 17D Forest Park Road, Dundee, DD1 5NZ ("the Property")**

**Sasine Description: ALL and WHOLE the northmost first floor flat at 17 Forest Park Road, Dundee being the subjects more particularly described in and disposed by Disposition by S McLennan Limited in favour of Melville Strachan Matthew and Margaret Cumming Matthew recorded in the division of the General Register of Sasines for the County of Angus on 3 December 1998**

**The Parties:-**

**MR AND MRS MEL MATTHEW, Spouses, residing together at Quarry Cottage, Main Street, Inchtute, Perthshire ("the Landlords")**

**MR LEON MACLEOD-MACLEAN residing at 17D Forest Park Road, Dundee, DD1 5NZ ("the Tenant")**

**NOTICE TO MR AND MRS MEL MATTHEW ("the Landlord")**

The Private Rented Housing Committee having determined on 7 September 2012 that the **Repairing Standard Enforcement Order** relative to the Property served on 17 May 2012 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for a further period of 2 months from the date of service of this Notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

**A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**

Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ,

Chairperson of the Private Rented Housing Committee at Dundee on 7 September 2012  
before this witness:-

L Johnston

witness

E Miller

Chairman

Lindsay Johnston  
Secretary  
Thorntons Law LLP  
Whitehall House  
33 Yeaman Shore  
Dundee  
DD1 4BJ



**Statement of decision of the Private Rented Housing  
Committee under Section 25 (1) of the Housing  
(Scotland) Act 2006**

prhp Ref: PRHP/DD1/21/12

Re: 17D Forest Park Road, Dundee, DD1 5NZ ("the Property")

**The Parties:-**

MR LEON MACLEOD MACLEAN residing at 17D Forest Park Road, Dundee, DD1 5NZ  
("the Tenant")

MR AND MRS MEL MATTHEW, Spouses, residing together at Quarry Cottage, Main  
Street, Inchtute, Perthshire ("the Landlords")

**Decision**

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property, determined that the Landlord should be given an extension of two months to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act")

**Background**

1. Reference was made to the determination of the Committee dated 17 May 2012 which determined that the Landlords had failed to comply with the duty imposed by Section 14(1)(b) of the Act and that they had failed to ensure that the Property had met the repairing standard. The works required by the RSEO were:-
  - (a) To repair or replace the windows at the Property sufficient to ensure that they are properly wind and watertight, capable of opening and closing properly and otherwise meet the repairing standard.
  - (b) To properly reinstate the box work around the rear of the toilet area.
  - (c) To properly affix the cooker hood and the cooker.
  - (d) To provide a clear Electrical Installation Condition Report from a suitably qualified electrician confirming that the electrical installation within the Property meets the appropriate standard.

The RSEO gave the Landlords 3 months from the date of service of the RSEO to carry out the works.

2. By letter dated 3 August 2012 the Landlords wrote to the Committee to advise that they had not managed to carry out the works relating to the Property. The Landlords explanation was that they had made several visits to the Property during late May but were unable to get a response. They had written to the Tenant on 18 June and again on 9 July requesting access to carry out the repairs. The Landlords solicitor had subsequently written to the Tenant and, again, had had no reply. The Landlords were unsure as to whether or not the Tenant was still living in the Property. The Landlords had now requested their solicitors to serve an notices to repossess the Property in order that they

could then carry out the works. The Landlords requested an extension to allow him to carry out the eviction and then the works.

3. By letter received by the Private Rented Housing Committee on 20 August 2012 from the Tenant, the Tenant advised that he had now removed from the Property and it was vacant.
4. The Committee considered whether to grant the request of the Landlords to extend the period for the works to be carried out under the RSEO. The Committee noted that the Landlords appeared to have been making genuine efforts to gain access to the Property. On the basis that the Tenant had now confirmed that he had removed from the Property, it should be easier for the Landlords to complete the works. In the circumstances the Committee were satisfied that it would be in order to grant the Landlords an extension of 2 months.

#### **Decision**

5. The decision of the Committee was to grant the Landlords an additional period of 2 months from the date of service of this Decision to comply with the works under the RSEO.
6. The decision of the Committee was unanimous.

#### **Right of Appeal**

7. **A Landlords or tenant aggrieved by the decision of the Private Rented Housing committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**

#### **Effect of section 63**

8. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed ..... **E Miller** ..... Date 7/7/12 .....

Chairperson