



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION
25(1) (a) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at Flat 2/1, 53 E Budhill Avenue, Glasgow G32 0PG ("the house")

The Parties:-

Ms. Deborah Silvestro, Flat 2/1, 53E Budhill Avenue, Glasgow G32 0PG ("the Tenant")

Maconochies of Kilmarnock Limited, incorporated under the Companies Acts and having their registered office at 22 Campbell Street, Kilmarnock KA1 4HW ("the Landlord")

Reference PRHP/G32/33/10

DECISION

The Private Rented Housing Committee ("the Committee"), having received a request from the Landlord to vary the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") in relation to the house by extending the time-limit for completion of works, and the Landlord having given a written undertaking that the house would not be re-let whilst the RSEO is in force and that the works would be completed within 4 months and, being mindful that the house is vacant, determined that the Landlord should be given an extension of the period allowed for the completion of the required work in terms of Section 25(2) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act")

Background

1. Reference is made to the Determination of the Committee dated 21th May 2010 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Committee which required the Landlord

to carry out works as specified therein. The said works detailed in the RSEO to be carried out and completed within a period of 28 days from the date of service of the Notice of the RSEO. Service of the Notice of the RSEO was effected on the Landlord on 4 June 2010.

2. On receipt of the RSEO, the Landlord on 10 June 2010 requested a variation of the RSEO to extend the time-limit for completion of the works detailed therein and to allow a period of 4 months from the date of service of the RSEO for completion of the works. This is due to the Landlord's commitment to re-furbish another property and holiday commitments.

3. The Committee, in light of the undertaking given by the Landlord to carry out the works and not to re-let the property until the RSEO was revoked, the reasons given for the extension being sought by the Landlord and that there was no impact on any tenant of the house since the house is presently unoccupied, and, mindful of Sections 25(2) and (3) of the Act, considered that it would be appropriate to give the Landlord an extension of the period required to complete the works detailed in the RSEO and issued a variation of the RSEO in terms of section 25(1)(a) of the Act. The variation provides for a period of 4 months from 4 June 2010 to complete the works and for the Landlord to produce a satisfactory Gas Safety Report for the house as detailed in the RSEO.

The members of the Committee were unanimous in their decision.

A Devanny

Chairperson,
12 June 2010



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: Property at Flat 2/1, 53 Budhill Avenue, Glasgow G32 0PG ("the Property")

The Parties:-

Ms. Deborah Silvestro, Flat 2/1, 53 Budhill Avenue, Glasgow G32 0PG ("the Tenant")

Maconochies of Kilmarnock Limited, having their registered office at 22 Campbell Street, Kilmarnock KA1 4HW ("the Landlord")

PRHP REFERENCE -Prhp/G32/33/10

NOTICE TO Maconochies of Kilmarnock Limited ("the Landlord")

The Private Rented Housing Committee having determined on 12 June 2010 that the Repairing Standard Enforcement Order relative to the Property served on 4 June 2010 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 respect:-

The period allowed for the completion of the works required by the Order is 4 months from 4 June 2010.

Subsection 25(3) of the Housing (Scotland) Act 2006 applies 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 typewritten on this and the preceding page are executed by Mrs. Aileen Margaret Devanny, Solicitor, Motherwell, Chairperson of the Private Rented Housing Committee at Motherwell on Twelfth day of June 2010 in the presence of the undernoted witness :-

Alexander Devanny

Witness

A Devanny

ALEXANDER DEVANNY Name in full
70 High Street Address
LANARK
SOLICITOR Occupation