



NOTICE OF DECISION TO VARY REPAIRING STANDARD ENFORCEMENT ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref; FK8/35/11

PROPERTY

1A Allan Park, Stirling, FK8 2QG TITLE NUMBER STG29504

PARTIES

MISS SARAH DOHERTY, formerly residing at 1A Allan Park, Stirling, FK8 2QG.

Tenant

And

MR KENNETH MARNOCH AND MRS CHRISTINE MARNOCH, c/o Grant Management, 14 Coates Crescent, Edinburgh, EH3 7AF.

Landlord

NOTICE TO MR KENNETH MARNOCH AND MRS CHRISTINE MARNOCH, c/o Grant Management, 14 Coates Crescent, Edinburgh, EH3 7AF.

1. **WHEREAS** the Private Rented Housing Committee having determined on 17 April 2012 that the RSEO relative to the Property dated 9 December 2011 should

be varied, the said RSEO is **HERBY VARIED** with effect from the date of service of this Notice in the following respects:-

- (a) The Works specified in the RSEO must be carried out and completed before the expiry of the Completion Date which is now varied to **FRIDAY 22 JUNE 2012**.
2. 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.
3. 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 consisting of this and the preceding two pages are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at Edinburgh on the seventeenth day of April two thousand and twelve before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London.

S Walker

Chairman

H K Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

1A Allan Park, Stirling, FK8 2QG

STATEMENT OF REASONS

INTRODUCTION

1. This was an application ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr Neil Doherty ('the agent') on behalf of his daughter, Miss Sarah Doherty ('the tenant') regarding the property known as and forming 1A Allan Park, Stirling, FK8 2QG ('the property'). The landlord of the property Mr and Mrs K Marnoch ('the landlord').
2. In the application the tenant contended that the landlord has failed to comply with the duty imposed on them by section 14(1)(b) of the Act as the property fails to meet the repairing standard as set out in section 13(1) of the Act. The Committee agreed with the tenant's contention and issued a Statement of Reasons and Repairing Standard Enforcement Order ('RSEO') both dated 9 December 2011.
3. By email dated 28 March 2012, the landlord has requested a variation of the RSEO as they require additional time to complete the works. The landlord advises that the property is vacant and that the work will be complete by early June 2012.
4. Section 25 of the Act provides, *inter alia*:-

25 Variation and revocation of repairing standard enforcement orders

(1) The private rented housing committee which made a repairing standard enforcement order may, at any time—

(a) vary the order in such manner as they consider reasonable, or

(b) where they consider that the work required by the order is no longer necessary, revoke it.

(2) Where subsection (3) applies, the committee must vary the

repairing standard enforcement order in question—

(a) so as to extend, or further extend, the period within which the work required by the order must be completed, and

(b) in such other manner as they think fit.

(3) This subsection applies where—

(a) the committee consider, on the submission of the landlord or otherwise, that the work required by a repairing standard enforcement order has not been, or will not be, completed during the period within which the order requires the work to be completed, and

(b) the committee—

(i) consider that satisfactory progress has been made in carrying out the work required, or

(ii) have received a written undertaking from the landlord stating that the work required will be completed by a later date which the committee consider satisfactory.

DETERMINATION & REASONS

5. In terms of section 25 of the Act, this Committee may vary an RSEO at any time and this Committee can vary the order in such a manner as we consider reasonable. In view of the landlord's request, and given the circumstances, we consider it appropriate to vary the said RSEO.
6. Accordingly, this Committee determines that Works specified in the RSEO must be carried out and completed before the expiry of the Completion Date which is now varied to **FRIDAY 22 JUNE 2012**.

SUMMARY OF DECISION

7. The Committee varies the RSEO dated 9 December 2011 and the new Completion date is now **FRIDAY 22 JUNE 2012**.

RIGHT OF APPEAL

8. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

9. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **S Walker**

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

17 April 2012