



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING  
COMMITTEE UNDER SECTION  
26(1) OF THE PRIVATE RENTED HOUSING PANEL ( APPLICATIONS  
AND DETERMINATIONS)( SCOTLAND) REGULATIONS 2007**

**In connection with  
Property at S.V.G.C.A. Cottage, Culzean Castle and Country Park, Maybole,  
Ayrshire KA19 8JX  
(hereinafter referred to as "the house")**

**Mr. Krishnan Moodley, S.V.G.C.A. Cottage, Culzean Castle and Country Park,  
Maybole, Ayrshire KA19 8JX ( represented by Mr. John Mulholland, Ayr  
Housing Aid Centre) ("the Tenant")**

**The Scottish Veterans' Garden City Association ( Inc.), having their registered  
office at New Haig House, Logie Green Road, Edinburgh EH7 4HQ ( represented  
by Mr John Norrie of Messrs. Gillespie Macandrew LLP, Edinburgh) ("the  
Landlord")**

**PRHP REFERENCE KA19/42/08**

**DECISION**

The Private Rented Housing Committee ("the Committee"), having considered a submission from the Landlord on the extent and complexity of the works required to ensure compliance with the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") and the likely timescale for completion of the works, determined that the Landlord should be given an extension of the period allowed for the completion of the required works in terms of Section 25(2) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act")

**Background**

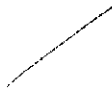
1. Reference is made to the Determination of the Committee dated 3 December 2008 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and the RSEO made by the Committee which required the Landlord to carry out works as specified therein. The said works to be carried out and completed within a period of 125 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 17 December 2008.

2. On 19 March 2009 a formal request was made to the Committee by the Landlord to extend the timescale for completion of the works detailed in the RSEO until 8 June 2009. The Landlord advised that a detailed survey of the property had been undertaken and advised the Committee on the extent and complexity of the required works to the house. The Tenant was asked his views on the variation of the timelimit for completing the works and he reluctantly confirmed his agreement. However, the Tenant has been unable to vacate the house as initially proposed and this will slightly delay the start of the works. In these circumstances the Landlord requested an extension of the timelimit until 30 June 2009 to ensure completion of the works.

3. The Committee, 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 Committee noted the extensive nature of the works and that it was estimated that the works by the specialist contractor would take approximately 6 weeks to complete and thereafter some additional works would be required. It was noted that the proposed start date for the works was scheduled for 20 April 2009. In these circumstances the Committee determined that there should be a variation of the RSEO to allow completion of the works by 30 June 2009. The members of the Committee were unanimous in their decision on the variation of the RSEO.

# A Devanny

Chairperson,  
14 April 2009





## **Notice of a decision to Vary**

### **A Repairing Standard Enforcement Order**

#### **Ordered by the Private Rented Housing Committee**

**PRHP REFERENCE KA19/42/08**

**Re : Property at S.V.G.C.A. Cottage, Culzean Castle and Country Park, Maybole, Ayrshire KA19 8JX, erected on ALL and WHOLE that plot or area of ground extending to eleven poles and seventeen square yards and one quarter part of a square yard or thereby, bounded on the north-west by a pathway from Culzean Home Farm to Culzean Castle and to the south-west by the Hall and four Houses known as New Stables, forming part of Culzean Policy Grounds, part of the Lands and Barony of Culzean, in the Parish of Kirkoswald and County of Ayr, all as more particularly described in the Feu Charter by the National Trust for Scotland for Places of Historic Interest or Natural Beauty in favour of the Scottish Garden City Housing Society Limited dated Twenty ninth January and recorded in the Division of the General Register of Sasines for the County of Ayr on Sixteenth February, both months in the year Nineteen hundred and fifty three; Together with the dwellinghouse and whole other buildings and erections thereon, the heritable fixtures and fittings therein and thereon, free ish and entry therefrom and thereto, and the parts, privileges and pertinents effeiring thereto ("the house")**

#### **The Parties**

**The Scottish Veterans' Garden City Association (Inc.), formerly known as Scottish Garden City Housing Society Limited, having their registered office at New Haig House, Logie Green Road, Edinburgh EH7 4HQ ("the Landlord")**

**Mr. Krishman Moodley, S.V.G.C.A. Cottage, Culzean Castle and Country Park, Maybole, Ayrshire KA19 8JX ("the Tenant")**

#### **NOTICE TO The Scottish Veterans' Garden City Association (Inc.) ("the Landlord")**

The Private Rented Housing Committee having determined on 14 April 2009 that the **Repairing Standard Enforcement Order** relative to the Property served on 17 December 2008 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 extended until 30 June 2009.

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 Fourteenth day of April Two thousand and nine in the presence of the undernoted witness :-

A S Devanny

Witness

A Devanny

Chairperson

ALEXANDER SUTHERLAND DEVANNY Name in full

95 STEWARTON ST. Address

WISHAW

SOLICITOR Occupation