



**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 Clachanturn House, Crathie, Ballater AB35 5TA
(hereinafter referred to as "the house")**

**Mrs. Dawn Williams, Clachanturn House, Crathie, Ballater (assisted by Mr.
Morrison) ("the Tenant")**

**Mr. John Howard Seton Gordon and Mrs. Gillian Anne Voelker or Gordon,
Spouses, of Abergeldie Castle, Crathie, Ballater (represented by Mr Neil
MacKenzie of Messrs. Aberdeen, Considine & Co., Solicitors, Aberdeen) ("the
Landlord")**

PRHP REFERENCE AB35/48/08

DECISION

The Private Rented Housing Committee ("the Committee"), having considered a submission from the Landlord that all the works required by the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") have been completed with the exception of the works to the kitchen fireplace which had been delayed with the Tenant's agreement to avoid the winter months and the Tenant having confirmed her agreement to such a delay, 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 17th October 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 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 30 October 2008.


2. In January 2009 the Tenant contacted the Private Rented Housing Panel by

telephone and indicated that she wished the works on the kitchen fireplace to be delayed as she did not wish to be without heating during the winter months. On 23 March 2009 a formal request was made to the Committee by the Landlord's agent to extend the timescale for completion of the works until 31 May 2009. The Landlord confirmed that all works detailed in the RSEO with the exception of the works to the kitchen fireplace had been completed. The Tenant confirmed her agreement to the variation.

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 variation provides for the works in terms of the RSEO to be completed by 31 May 2009. The members of the Committee were unanimous in their decision.

A Devanny

Chairperson,
9 April 2009





Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

PRHP REFERENCE AB35/48/08

Re : Property at Clachanturn House, Crathie, Ballater AB35 5TA, erected on ALL and WHOLE that plot or area of ground shown outlined in red on the plan annexed and signed as relative hereto and bounded on or towards the south-east by the subjects known as West Lodge, being part and portion of the Lands and Barony of Abergeldie and others, referred to in the Extract Decree of Special Service of Robert Gordon, as heir of Michael Francis Gordon, and in another Extract Decree of Special Service of the said Robert Gordon, as heir of Francis David Gordon, both recorded Particular Register of Sasines for Aberdeenshire &c on Fifteenth day of May, Eighteen hundred and sixty one; Together with the dwellinghouse known as and forming Clachanturn House 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

Mr. John Howard Seton Gordon and Mrs. Gillian Anne Voelker or Gordon, Spouses, formerly of Littlemill, Girnoc, Ballater, and now of Abergeldie Castle, Crathie, Ballater ("the Landlord")

Mrs. Dawn Williams, Clachanturn House, Crathie, Ballater ("the Tenant")

NOTICE TO Mr. John Howard Seton Gordon and Mrs. Gillian Anne Voelker or Gordon ("the Landlord")

The Private Rented Housing Committee having determined on 9 April 2009 that the **Repairing Standard Enforcement Order** relative to the Property served on 30 October 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 work required by the order is extended until 31 May 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 Ninth 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 STREET Address

WISHAW

SOLICITOR . Occupation

Wetherwell, 9th April 2009.

This is the plan referred to in the foregoing Notice of a decision to Vary a Repairing Standard Enforcement Order relating to Clachanturn House, Craithie of even date.

A Deed, Chairperson of the Private Rented Housing Committee

ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale <i>PRHC</i>
N02794	1/2500
	Survey Scale
	1/2500

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