

Notice of a Decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Reference:- PRHP/EH11/58/12

**Re: Property at 374/1 Gorgie Road, Edinburgh EH11 2RQ
("the Property")**

**Title: Subjects at 374/1 Gorgie Road, Edinburgh forming Title
Number**

MID 78461

The Parties:-

**Eugene O'Neale c/o The Bond House, 5 Breadalbane Street,
Edinburgh
("the Landlord")**

**Mrs. Margaret Paterson, 374/1 Gorgie Road, Edinburgh ("the
Tenant")**

Notice to Landlord

The Private Rented Housing Committee having determined on 18th February 2013 that the Repairing Standard Enforcement order relative to the property dated 8th June 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 completion of the work required by the order is extended for a further 6 weeks.**

A landlord or a 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.

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.

In witness whereof these presents typewritten on this and the preceding page are executed by Anne McCamley, Chairman of the Committee, at Edinburgh on Eighteenth February Two Thousand and Thirteen before Murdoch McCamley Chartered Accountant, Elleric, Wester Coates Terrace, Edinburgh

M McCamley

(witness)

A McCamley

Chairman

Statement of Reasons

Ref: PRHP/EH11/58/12

Re: Property at 374/1 Gorgie Road, Edinburgh EH11 2RQ ("the Property")

Title: Subjects at 374/1 Gorgie Road, Edinburgh
forming Title Number MID 78461

The Parties:- Eugene O'Neale c/o The Bond House, 5 Breadalbane Street, Edinburgh ("the Landlord")

Mrs. Margaret Paterson, 374/1 Gorgie Road, Edinburgh ("the Tenant")

Decision

The Committee having made such enquiry as it sees fit, determines that the Landlord has failed to fully comply with the terms of the Repairing Standard Enforcement Order (RSEO) dated 8th June 2012 and determines to extend the time period within which the works must be completed by 6 weeks from the date of issue of the Notice of Variation.

Statement.

On 8th June 2012 the Committee made an RSEO requiring certain work to be carried out at the property. Said work was ordered to be completed within 12 weeks of the date of issue of the Order. The RSEO is referred to for its terms.

On 18th October the property was reinspected by the Committee's surveyor member. It was reported that the landlord had failed to fully comply with the terms of the RSEO. A rehearing was arranged, however the tenant became unwell and spent some time in hospital. As a result of this the rehearing and reinspection by the full committee was delayed until 18th February 2013.

Both parties attended the reinspection and rehearing on 18th February 2013.

It is a matter of agreement that all window sash cords are in tact, handles have been restored to all windows, and rotting frames and sills have been repaired.

The landlord explained he had sent a tradesman to carry out the repairs. To the best of his knowledge the repairs had been carried out, and, when he asked her, the tenant seemed to say she was happy. A misunderstanding appears to have arisen between the parties because, at the hearing, and when questioned by the Committee, the tenant was not content with the state of the windows.

Having visually inspected the windows and being guided by our surveyor member, the Committee finds the landlord has failed to ensure a proper fit of the window frames such as to render the windows substantially draught free nor has the landlord ensured the windows open and close freely or lock properly. Accordingly the landlord has failed to carry out all the work required in terms of the RSEO.

Having heard the landlord speak on his own behalf we are of the view that it is appropriate to allow a further six weeks to complete the required work.

For the avoidance of doubt the landlord is required:

To ensure a proper fit of window frames to render the windows substantially draught free.

To ensure the windows open and close freely and are lockable.

How the foregoing is achieved is a matter for the landlord to resolve in consultation with his tradesmen.