



Statement of a decision
of the Private Rented Housing Committee
Under section 26(1) of the Housing (Scotland) Act 2006

In connection with

Property at 3 Baxter Court, Torry, Aberdeen, AB11 8LG, being the property described as first floor flat 3 BAXTER COURT, TORRY, ABERDEEN, part of lands and estate of BALNAGASK, described in Disposition to Aberdeen Corporation, recorded in the General Register of Sasines on 23rd December 1949.
("the Property")

The Parties:-

Mr Raymond and Mrs Thelma Jackson residing at 3 Baxter Court, Torry, Aberdeen, AB11 8LG.
("the Tenants")

Mr John Enson Milne, represented by Thomson Properties, No 3 Summerhill Court, Lang Stracht Shopping Centre, Aberdeen AB15 6TW ("the Landlord")

Decision

The Private Rented Housing Committee having made such enquiries as is fit for the purposes of determining whether the landlord has complied with the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the written representations made by the parties, determined that the Landlord should be given an extension of the period allowed for 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 13th March 2009 which decided that the landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act, and to the RSEO made by the Committee which required the landlord to carry out works as specified therein. The said works were to be carried out and completed by 24th April 2009. Service of the Notice of the RSEO was effected on the landlord on 13th March 2009.

2. By letters dated 19th and 26th March 2009, agents acting for the landlord requested a variation of eight to ten weeks to enable the necessary works to be carried out. This was on the basis that planning permission may require to be obtained and the windows would require to be ordered then installed. Copies of two quotes were enclosed relative to the replacement of the windows and the installation of an extractor fan.
3. The tenants objected to the proposed extension of the time allowed. They pointed out that only two windows were being replaced and argued that the landlord should at least have commenced the work to fix the doors.
4. The Committee took account of the points made by the tenants, but considered that the landlord should be given further time to ascertain the situation regarding planning permission and to order and install the replacement windows. The Committee decided that the period to carry out the work should be extended to 30th June 2009. In reaching this decision, the Committee took account of the tenant's evidence at the hearing that the problems were mainly apparent during the winter months, and we therefore considered that the proposed extension would not cause significant problems for the tenant given the time of year. The Committee accordingly varied the time permitted for the works to be carried out to be extended to 30th June 2009. The members of the Committee were unanimous in their decision.

I Montgomery

Isabel Montgomery,
Chairperson,
28th April 2009.



Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

prhp Ref: AB11/67/08

Re : Property at 3 Baxter Court, Torry, Aberdeen, AB11 8LG, being the property described as first floor flat 3 BAXTER COURT, TORRY, ABERDEEN, part of lands and estate of BALNAGASK, described in Disposition to Aberdeen Corporation, recorded in the General Register of Sasines on 23rd December 1949. (“the Property”)

The Parties:-

Mr Raymond and Mrs Thelma Jackson residing at 3 Baxter Court, Torry, Aberdeen, AB11 8LG. (“the Tenants”)

Mr John Enson Milne, represented by Thomson Properties, No 3 Summerhill Court, Lang Stracht Shopping Centre, Aberdeen AB15 6TW (“the Landlord”)

NOTICE TO MR JOHN ENSON MILNE (“the Landlord”)

The Private Rented Housing Committee having determined on 28th April.2009 that the **Repairing Standard Enforcement Order** relative to the Property served on 13th March 2009 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:-

The period allowed for the completion of the work required by the order is extended (or further extended) until 30th June 2009.

Subsection 25(3) of the Housing (Scotland) Act 2006 does apply 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 type written on this and the preceding page(s) are executed by Mrs Isabel Montgomery, Solicitor, Glasgow, Chairperson of the Private Rented Housing Committee at Glasgow on 28th April 2009 before this witness:-

I MacLean

witness

I Montgomery

chairman

IAIN MACLEAN name in full

3RD FLOOR Address

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PANEL CLERK Occupation