



**Notice of a Decision to Vary
Repairing Standard Enforcement Order**

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/IV2/AD3/10

Re : Property at Wester Brae of Cantray Farm, Croy, Inverness, IV2 5PR ("the Property")

Sasine Description: ALL and WHOLE those subjects at Brae of Cantray, Croy, Inverness being the subjects described in and disposed by Disposition by the Executors of Hugh Dallas in favour of James Dallas and Jessie Dallas recorded in the Division of the General Register of Sasines for the County of Inverness on 5th July 1985.

The Parties:-

JAMES DALLAS and JESSIE DALLAS residing at Wester Brae of Cantray Farm, Croy, Inverness, IV2 5PR ("the Landlords")

GARY WILLIAMSON residing at cottage at Wester Brae of Cantray Farm, Croy, Inverness, IV2 5PR ("the Tenant")

NOTICE TO JAMES DALLAS and JESSIE DALLAS ("the Landlords")

The Private Rented Housing Committee having determined on 28 June 2011 that the Repairing Standard Enforcement Order relative to the Property dated 22nd September 2010 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 the completion of the works required by the Order is extended by one month from the date of service of this Notice.
2. Section 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

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 type written on this and the preceding page(s) are executed by Ewan Kenneth Miller, solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, chairperson of the Private Rented Housing Committee at Dundee on 28 June 2011 before this witness:-

S Clack

witness

Sheila Clack
Legal Secretary
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ

E Miller

Chairman



Statement of decision of the Private Rented Housing Committee under Section 25 (1) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/IV2/AD3/10

Re : Property at Wester Brae of Cantray Farm, Croy, Inverness, IV2 5PR ("the Property")

The Parties:-

GARY WILLIAMSON residing at cottage at Wester Brae of Cantray Farm, Croy, Inverness, IV2 5PR ("the Tenant").

JAMES DALLAS AND JESSIE DALLAS residing at Wester Brae of Cantray Farm, Croy, Inverness, IV2 5PR ("the Landlords").

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property, determined that the Landlords should be given a further extension of one month to the period allowed for completion of the required work in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act").

Background

1. Reference was made to the determination of the Committee dated 11 May 2011 which decided whilst the Landlords had carried out various works, there were other works outstanding. The previous decision had been to grant the Landlord a further period of 1 month to complete the works.
2. Mr Mark Andrew, Surveyor Member, re-inspected the Property on 22 June 2011, being a date after which the works under the variation of the RSEO ought to have been completed. Both the Tenant and the Landlord were present during the inspection.
3. The Surveyor Member noted that the Landlords had carried out the remaining works in the RSEO with two exceptions:-
 - a. whilst a periodic inspection review had been carried out by a suitably qualified electrician, the report provided was not clear. There was one Category 1 item outstanding (being work that is designated as urgent and requiring to be undertaken immediately);
 - b. there was still no hard-wired smoke alarm in the Property.
4. During the course of the inspection the Surveyor Member highlighted these two outstanding matters. The Landlord accepted this and indicated he would carry on and have these done forthwith. The Tenant indicated that if these works were done he would be satisfied.
5. The Committee took account of the Surveyor's Report in coming to its decision. Whilst it was somewhat disappointing that there were still two items outstanding, it did appear that these would be attended to by the Landlord. It did appear that these were simply due to

a misunderstanding on the part of the Landlords as to what was required rather than any unwillingness to comply with the RSEO. Given that the Tenant was aware of the position and was happy that the works were going to be attended to, the Committee were prepared to grant a further short extension.

Decision

6. The decision of the Committee was to grant the Landlord a further period of one month to comply with the RSEO by carrying out the Category 1 repair required in terms of the periodic inspection review, and to install a hard-wired smoke alarm. The decision of the Committee was unanimous.

Right of Appeal

7. A Landlords or 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.

Effect of section 63

8. 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.

Signed **E Miller** Date..... 29/6/2011
Chairperson