

Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: DD2/91/11

Re : Property at 13 Denhead of Gray, Invergowrie, Dundee being All and Whole Pieces of land, one on the north side and the other on the south side of the public road through Denhead of Gray with dwellinghouse thereon forming the Pendiele or Allotment number 13 on Plan of Denhead of Gray as described in Disposition to Elizabeth Mudie recorded in the General Register of Sasines on 11 December 1918 (“the Property”)

The Parties:-

Rose-Marie Van Der Flaes, 13 Denhead of Gray, Invergowrie, Dundee (“the Tenant”)

Mr M McGlashan and Mrs M Smith, 16 Denhead of Gray, Invergowrie, Dundee (“the Landlords”)

NOTICE TO

Mr M McGlashan and Mrs M Smith, 16 Denhead of Gray, Invergowrie, Dundee

The Private Rented Housing Committee having determined on 28 November 2011 that the **Repairing Standard Enforcement Order** relative to the Property served on 23 August 2011 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 repair/replacement of all the windows in the property to ensure they are wind and water tight and in a reasonable state of repair and in proper working order is extended for a further period of four weeks.

Section 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 are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 2 December 2011 before this witness:-

E Parr

witness

J Lea

chairman

Emma Parr
Unit 3.4 The Granary Business Centre
Coal Road
Cupar, Fife
KY15 5YQ

Determination by the Private Rented Housing Committee

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

prhp Ref: DD2/91/11

Re : Property at 13 Denhead of Gray, Invergowrie, Dundee being All and Whole Pieces of land, one on the north side and the other on the south side of the public road through Denhead of Gray with dwellinghouse thereon forming the Pendiele or Allotment number 13 on Plan of Denhead of Gray as described in Disposition to Elizabeth Mudie recorded in the General Register of Sasines on 11 December 1918 ("the Property")

The Parties:-

Rose-Marie Van Der Flaes, 13 Denhead of Gray, Invergowrie, Dundee ("the Tenant")

Mr M McGlashan and Mrs M Smith, 16 Denhead of Gray, Invergowrie, Dundee ("the Landlords")

Background

1. On 22 August 2011, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 22 August 2011.
2. On 26 October 2011, the surveyor member of the Committee re-inspected the property. Both the Tenant and the Landlords were present.
3. The surveyor member noted that:
 1. The broken floor tiles in the hall and kitchen had been removed and replaced with plywood overlaid with linoleum.
 2. Draught proofing strips had been placed around the door frames for both entrances. Although the doors would benefit from some adjustment, the surveyor member was satisfied that they were now wind and water tight.
 3. An attempt had been made to repair the windows but this had proved unsuccessful and replacement windows had been ordered.
4. The Committee was accordingly satisfied that items 2 and 3 of the Repairing Standard Enforcement Order had been complied with.
5. The Landlords however indicated that it would take 12 to 16 weeks for the new windows to arrive. The Committee had concerns about the current state of the windows and required an explanation as to why there was such a long delivery time on the new windows. The Committee also required evidence that the new windows had been ordered. Following on from this, the Landlords' solicitor confirmed that the new windows had been ordered and the glazier confirmed that the windows were now ready for fitting.
6. In the circumstances, the Committee consider it reasonable to allow a further four week period for the Landlords to comply with item 1 of the Repairing Standard Enforcement Order.

Right of Appeal

7. **A landlord 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.

J Lea

Signed Date... 2 December 2011
Chairperson