



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

Ref: PRHP/G82/137/12

Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 ("the Property")

The Parties:-

Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD ("the Tenant")

And

Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA ("the original Landlord")

Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. ("the current landlord")

Notice to Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD.

The Private Rented Housing Committee issued a Repairing Standard Enforcement Order ("RSEO") dated 27th November 2012 in respect of the Property and varied said Order in Decision dated 25th October 2013..

The Private Rented Housing Committee, having determined on 4 August 2015 that the **Repairing Standard Enforcement Order** as varied relative to the Property should be further varied.

The said **Repairing Standard Enforcement Order** as varied is hereby further 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 30 September 2015

Section 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.

J BAULD

Signed
James Bauld, Chairperson

4 August 2015

EL THOMSON

.....Witness
EMMA LOUISE THOMSON
7 West George Street, Glasgow, G2 1BA

EMMA LOUISE THOMSON



Determination by Private Rented Housing Committee

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

Ref: PRHP/G82/137/12

Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 ("the Property")

The Parties:-

Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD
("the tenant")
and

Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA
("the original landlord")

Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. ("the current landlord")

Background

1. On 27th November 2012, the Committee issued a Determination which decided that the original Landlord had failed to comply with the duties imposed by Section 14 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the property.
2. On 25th October 2013, the Committee issued a further decision indicating that they had determined that the RSEO should be varied to allow the current Landlord a further period of time to arrange for the outstanding works to be completed. The Committee determined that the current Landlord should be given until 30th November 2013 to arrange for the outstanding works. Intimation of that decision and a formal notice of the decision to vary was served on the current Landlord.
3. By email dated 30th October 2013, the current Landlord wrote to the Committee indicating that she had not offered the property for rent and indicating that she had attempted to carry out some of the works required by the RSEO.

4. On 14th January 2014 the property was re-inspected by the surveyor member of the Committee. A report was prepared by the surveyor member and circulated to the current Landlord. The report found that some of the works in the RSEO had been undertaken but the works were generally incomplete and apparently ongoing. Further correspondence was then received in April 2014 from the firm of Robertson & Ross solicitors indicating that the current Landlord's solicitor was no longer trading and that she would now be dealing with this matter herself.
5. By letter dated 28th April 2015 she wrote to the Committee indicating she had received the Committee's letter of 22nd April 2015 and that the cottage was still not ready for habitation and that she had no plans to re-let the cottage in its condition.
6. The Committee considered the correspondence received from the current Landlord. The Committee are satisfied that the property has not been re-let and that the current Landlord has no intention of re-letting the property until the various works are undertaken. The Committee accept the current Landlord's position that she is attempting to complete the works.
7. The Committee accordingly decided that in terms of the powers under Section 25 of the 2006 Act to further vary the RSEO which had been previously made and previously varied.
8. The Committee decided that the RSEO should be varied to allow the current Landlord a further period of time to arrange for the outstanding works to be completed. The Committee determined that the current Landlord should be given until 30th September 2015 to arrange for the outstanding works to be completed.

Decision

9. The Committee having made such enquiries as it saw fit for the purposes of determining whether the current Landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the re-inspection and subsequent correspondence determined to exercise their powers in terms of Section 25 of the 2006 Act to vary the RSEO.
10. The Committee proceeded to make a variation to the RSEO.
11. The decision of the Committee was unanimous.

Right of Appeal

12. 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

13. 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 BAULD

Signed
James Bauld, Chairperson

Date

4 August 2015

EL THOMSON

..... Witness

EMMA LOUISE THOMSON
7 West George Street, Glasgow, G2 1BA

TRANCE SOLLITON