



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 and by Decision dated 4th August 2015.

The Private Rented Housing Committee, having determined on 21 December 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 April 2016

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

..... 21 December 2015

C Mullen

..... Witness
CLAIRE MULLEN, Solicitor
7 West George Street, Glasgow, G2 1BA

21 December 2015



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. Subsequent to the issue of that original decision the Committee have issued variations of the repairing standard enforcement order the most recent of which was issued in July 2015. That variation determined that the current landlord should be given until 30th September 2015 to arrange for the outstanding works to be completed.
3. On 13th October 2015 the surveyor member of the Committee attended in the property and carried out a re-inspection. A copy of the re-inspection report is attached to this Determination. The report includes the works required by the RSEO have not been fully completed.
4. The Committee have considered the terms of the re-inspection report. The Committee were then 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 required by the RSEO are

completed. The Committee accept the current landlord's position that she is attempting to complete the works.

5. The Committee accordingly decided that in terms of the powers under Section 25 of the 2006 Act that they should further vary the RSEO which has been previously made and previously varied.
6. 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 30 April 2016 to arrange for the outstanding works to be completed.

Decision

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

Right of Appeal

4. 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

5. 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..... 21 December 2015

C Mullen

..... Witness
Claire Mullen Solicitor
7 West George Street, Glasgow, G2 1BA

- 21 Dec 2015

PRHP Re-inspection Report

Property: Ballymenoch Cottage, Brooks Road, Cardross, G82 5HD
Ref No: PRHP/G82/137/12

Surveyor: Kingsley K Bruce, MRICS

Access:

I re-inspected the property at 10:00 on 13 October 2015.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level to front and rear from the pathways/garden ground adjacent.

In Attendance:

My inspection was accompanied, by the present Owner, who was present in the property throughout my inspection.

The tenant, who made the original application, had vacated the property after the original inspection and hearing.

The property was vacant and unfurnished.

Weather:

Conditions were generally dry and bright at the time of my re-inspection, following a brief spell of similar weather.

Requirements of the Repairing Standard Enforcement Order (RSEO):

In particular the Private Rented Housing Committee requires the landlord to carry out the following works

- ***To thoroughly examine the property to identify the cause of the water ingress and damp penetration in the hallway and to carry out repairs to prevent further water ingress and to eradicate the penetrating dampness in the hallway and to make the hallway wind and water tight.***
- ***To thoroughly examine the property to identify the cause of rising/penetrating dampness within the living room of the property and to carry out works to prevent further rising/penetrating dampness and to make the walls of the property water tight to eradicate the dampness.***
- ***To thoroughly examine the property to identify the cause of penetrating dampness within the kitchen room of the property and to carry out works to prevent further penetrating dampness and to make the walls of the property water tight to eradicate the dampness.***

- ***To thoroughly examine the property to identify the cause of water ingress/penetrating dampness within the bedrooms of the property and to carry out works to prevent further water ingress/penetrating dampness and to make the ceilings and walls of the property water tight to eradicate the dampness.***

- ***To carry out repairs to the gutters and downpipes to the property to place them in a reasonable state of repair and in proper working order.***

- ***To install within the property smoke alarms on both levels which require to be hard wired and inter-linked***

The Private Rented Housing Committee ordered that the works specified to be carried out and completed within the period of 28 days from the date of service of the Order

Works required by the RSEO which have been undertaken:

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord/Property Owner.

At the time of the previous re-inspection undertaken on 14 January 2014, the following observations were made:

Findings

- △ The party wall in the hallway had been replastered, full height at ground floor level. Heavy damp patches were still evident above floor level and below the electrical consumer units. The current owner advised that the bath in the adjacent house had been removed to try and establish the cause. The bottom riser/tread of the timber stair had decayed. **It could not be concluded that water/damp ingress had ceased.**
- △ Within the livingroom, works had been undertaken, including stripping and renewal of plasterwork to an approximate height of between 1m and 1.5m above floor level around the room. Decay of timber linings to window areas and cupboards was evident. Readings taken using an electronic moisture meter were higher than acceptable. It could not be concluded whether this indicated ongoing moisture penetration or drying out.
- △ In the kitchen and rear vestibule/bathroom areas, fixtures and fittings had generally been removed. Some plaster work had been stripped. There continued to be indications of dampness in these areas.
- △ Within the bedroom areas there remained some indications of dampness to parts, despite works.

- ⤴ The current owner advised that works had been undertaken around the chimney area, however there were no indications of such work visible whilst standing at ground level.
- ⤴ Rainwater fittings were found still to be defective.
- ⤴

It had been concluded that the terms of the RSEO had not been fully met.

At the Re-inspection undertaken 13 October 2015, there did not appear to have been significant progress to address the outstanding issues.

- Conditions in the hallway, in particular the party wall did not appear to have changed, there were indications of timber decay, including the exposed timbers over the entrance door.
- In the bedroom at first floor level adjacent to the party wall, where flooring had been lifted, damp conditions were evident to flooring and deafening materials, indications of damp ingress to ceiling/wall were visible.
- No Change evident to livingroom areas.
- The kitchen and bathroom areas had been largely stripped out including internal divisions. Fittings generally removed. The lean to roof over this part had previously been recovered. External walls were not however weathertight, a significant separation crack between the original part of the building and the extension containing kitchen/bathroom had been exposed.
- In the gable bedroom at first floor level, there were no immediate signs of ongoing rainwater ingress around the chimney area, weather conditions were dry, it was evident that plaster finishes had not been re-instated.
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Whilst there were indications of work having been undertaken since the previous re-inspection, including partial demolition of the front porch and a trench around part of the exterior of the livingroom, the terms of the RSEO have not been addressed.

There was no immediate indication of any repair or works to address the other items stated in the RSEO.

Kingsley K Bruce, MRICS
 Surveyor Member
 Private Rented Housing Panel

21 October 2015

Photographs taken during re-inspection on 12 October 2015 below:

- 1. Hallway- 2 pictures, showing ongoing conditions**
- 2. Bedroom (gable)**
- 3. Bedroom (party wall), showing flooring uplifted and damp conditions**
- 4. Gable Bedroom**
- 5. Livingroom**
- 6. Separation Crack to extension**
- 7. Trench at livingroom externally, start of a "free draining trench".**
- 8. Partially removed porch**
- 9. Interior showing kitchen/bathroom area**









