

**Statement of Reasons in connection with
Re inspection and Reconvened Hearing**

Held on 25th November 2008

Property : 2 Crakaig Cottages, Loth , Helmsdale

The Parties in this case are:-

**Michael Dudgeon (Landlord)
Margaret Ruddy (Tenant).**

The Private Rented Housing Committee issued a Repairing Standard Enforcement Order dated **First June 2008** requiring the Landlord to carry out work at the above property to ensure compliance with the Repairing Standard as defined in section 13 of the Housing (Scotland)Act 2006. The Statement of Reasons and Repairing Standard Enforcement Order are referred to for their terms.

The work detailed in the Order was to be carried out within three months of the date of service thereof.

On 25th November 2008, almost 6 months after the issue of the Order, the Committee reconvened in Inverness to revue the progress of the Order. The Committee's Surveyor member had inspected the property in the morning. The rehearing was attended by the Landlord ,supported by his wife, and the Tenant, supported by her daughter.

Both landlord and tenant agreed all work required by the original Order had been satisfactorily completed with the exception of the problems surrounding the Rayburn.

The tenant claimed the stove was still smoking to the extent that when she opened the stove door the billowing smoke activated the newly installed fire alarm. This was confirmed by her daughter. The Landlord explained he had had a builder and plumber inspect the Rayburn, recommendations had been made and work carried out to fit a chimney aspirator. New fire bricks had been installed the day prior to the rehearing. At the rehearing the Landlord offered to provide a replacement solid fuel wood burning stove.

While the Committee accept Rayburns can be difficult appliances to repair and maintain we are mindful of the length of time which has elapsed since the service of the Order and consequently the extended period during which the Landlord has had opportunity to effect a proper repair. It appears a such a repair has not been possible .

On the basis of the whole written and oral evidence the Committee make the following findings:-

The Rayburn is not in a reasonable state of repair or in proper working order. There remains a breach of section 13 (1)c. The Landlord has been unable to make a suitable repair within the time limit stated in the original Order. Accordingly the Order is varied to require the Landlord to replace the Rayburn within 3 months of the date of service of this Statement.

In all other respects the Landlord has complied with the terms of the original Order.

A McCamley

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Chairman PRHP

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

Re: 2 Craikaig Cottages, Loth ("the Property")

Sasine Description: that semi-detached cottage style dwellinghouse known as and forming 2 Craikaig Cottages, Loth in the County of Sutherland, which subjects are shown delineated in red on the plan annexed hereto and which form part and portion of the lands of Craikaig and others in the Parishes of Loth and Kildonnan more particularly described in Disposition to William John Dudgeon and Another recorded in the General Register of Sasines for the County of Sutherland on the twenty-fourth day of May Nineteen Hundred and Twenty-Two

The Parties:-

Michael Dudgeon of Shepherd's Cottage, Station Road, Loth KW8 6HP ("the Landlord")

Mrs. Margaret Ruddy, 2 Craikaig Cottages, Loth, Helmsdale ("the Tenant")

NOTICE TO Michael Dudgeon ("the Landlord")

The Private Rented Housing Committee having determined on 25th November 2008 that the **Repairing Standard Enforcement Order** relative to the Property dated First June 2008 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 steps which the Committee require the landlord to take in complying with the order are amended as follows :-
- The landlord will replace the existing Rayburn stove with a new or reconditioned solid fuel stove and make good any damage caused by the carrying out of such work within three months of the date of service of this Notice of variation.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not 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.

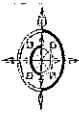
Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this page are executed by Anne McCamley solicitor, Edinburgh chairperson of the Private Rented Housing Committee at Edinburgh on Second December 2008 before this witness:-

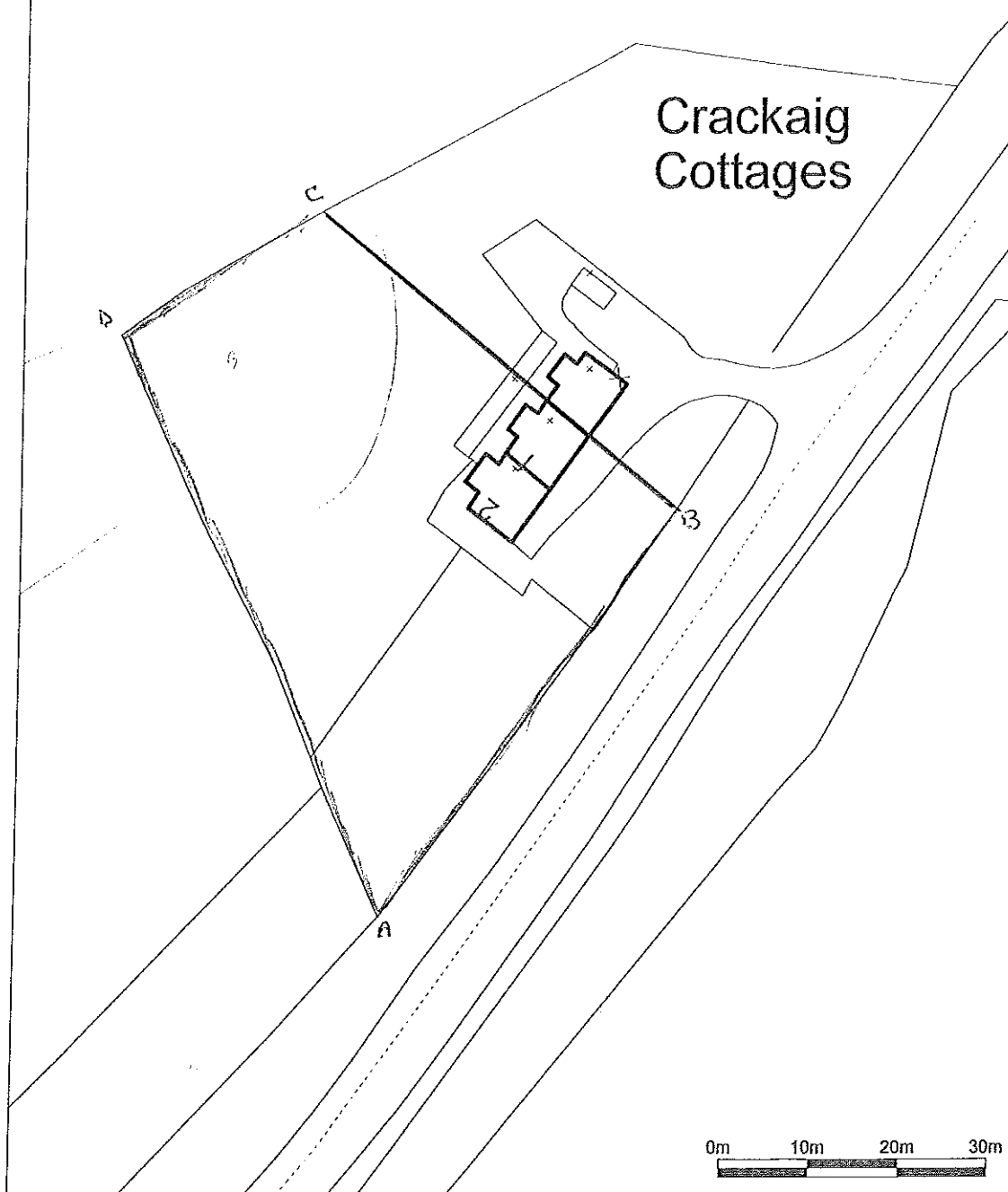
M McCamley
witness

A McCamley
chairman

Murdoch McCamley
Chartered Accountant
Osborne House
Osborne Terrace
Edinburgh



A	-	B	-	56.0	m
B	-	C	-	52.0	m
C	-	D	-	27.0	m
D	-	A	-	69.7	m



Ordnance Survey

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This is the plan referred to in the foregoing Notice
A McCamley