



## **Determination of the Private Rented Housing Committee**

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

**Case Reference Number: PRHP/RP/15/0349**

**Re: Top Floor Left, 116 Auchmill Road, Bucksburn, Aberdeen AB21 9LR (“the property”)**

**Land Register Title No: ABN6942**

#### **The Parties:-**

**Mr Michael Ogston, formerly residing at the property (“the tenant”)**

**Mrs Elaine Paterson, 4 Market Square, Inch, Aberdeenshire AB52 5LD (“the landlord”)**

**Committee Members – Sarah O’Neill (Chairperson); Mark Andrew (Surveyor Member)**

#### **Background**

1. The Private Rented Housing Committee (‘the committee’) issued a decision on 16 February 2016 requiring the landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the committee on the same date. The RSEO required the landlord to:
  1. Have the kitchen ceiling checked by a reputable contractor to establish whether it is safe, and repair the ceiling as necessary to ensure that it is wind and watertight, free of draughts and in all other respects reasonably fit for human habitation.

2. Repair or replace the front and rear windows, including the window panes, as necessary to ensure that they are in a reasonable state of repair and in proper working order.
3. Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out an Electrical Installation Condition Report\_(EICR) on the entire electrical installation of the property.
4. Carry out works as recommended by that EICR to ensure that any Category 1 or Category 2 repairs are addressed and that the electrical installation is safe, functional and in proper working order, and provide a Domestic Electrical Installation Certificate for any works carried out.
5. Repair or replace the light in the landing above the front door as necessary to ensure that it is in a reasonable state of repair and in proper working order.
6. Have the close ceiling on the top floor of the tenement checked by a reputable contractor to establish whether it is safe, and repair the ceiling as necessary to ensure that it is in a reasonable state of repair and in proper working order.
7. Fix the bathroom sink securely to the wall, so that it is in a reasonable state of repair and in proper working order.
8. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard, particularly the ceiling in the kitchen.

The committee ordered that the works specified in the order must be carried out and completed within the period of two months from the date of service of the RSEO.

2. On 4 May, the committee issued a variation of the RSEO, extending the period for completion of the repairs by three months until 17 July 2016. A re-inspection of the property by the surveyor member of the committee was arranged for 11 August 2016. On 4 August, the landlord informed a member of the panel's staff by telephone that the property was being refurbished, and that the work would not be completed until the end of September. The landlord was advised to send in evidence of the works which had been done, and to advise if she required further time to carry out the repairs. Nothing was received in writing from the landlord, and the surveyor member of the committee attended the property on 11 August in order to carry out a re-inspection.

3. He was unable to gain access to the property, but did gain access to the common stairway, and found that none of the repairs required to the common stairway had been carried out. The stairway did not have a functioning light, and the close ceiling had not been repaired. The light fitting above the door to the flat had not been changed.
4. The committee considers that in all the circumstances, and bearing in mind that there is no longer a tenant living in the property, it would be reasonable to vary the RSEO to allow a further period for the completion of the outstanding works. The committee accordingly varies the RSEO to extend the period for the completion of the works until **30 September 2016**.
5. The landlord is reminded that a landlord (and that includes any landlord's successor in title) commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Housing (Scotland) Act 2006.

#### **Rights of Appeal**

1. A landlord or tenant aggrieved by the decision of the committee may appeal to the sheriff by summary application within 21 days of being notified of that decision.
2. The appropriate respondent in such appeal proceedings is the other party to the proceedings and not the panel or the committee which made the decision.

#### **Effects of Section 63**

3. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed.. **S O'Neill**

Date.....17/8/16.....

**Chairperson**



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

**Ordered by the Private Rented Housing Committee**

**Case Reference Number: PRHP/RP/15/0349**

**Re: Top Floor Left, 116 Auchmill Road, Bucksburn, Aberdeen AB21 9LR (“the property”)**

**The Parties:-**

**Mr Michael Ogston, formerly residing at the property (“the tenant”)**

**Mrs Elaine Paterson, 4 Market Square, Inch, Aberdeenshire AB52 5LD (“the landlord”)**

**Repairing Standard Enforcement Order Against:**

**Mrs Elaine Paterson (“the landlord”)**

The Private Rented Housing Committee, having determined on 17 August 2016 that the Repairing Standard Enforcement Order relative to the property dated 16 February 2016 and varied on 4 May 2016 should again be varied, the committee hereby varies the Repairing Standard Enforcement Order to the effect that the period allowed for the completion of the works required by the Repairing Standard Enforcement Order is extended until **30 September 2016**.

**Rights of Appeal**

1. A landlord or tenant aggrieved by the decision of the committee may appeal to the sheriff by summary application within 21 days of being notified of that decision.

2. The appropriate respondent in such appeal proceedings is the other party to the proceedings and not the panel or the committee which made the decision.

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IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, Chairperson of the Private Rented Housing Committee, at Glasgow on the 17th day of August Two Thousand and Sixteen before this witness: -

S O'Neill

**Chairperson**

[Redacted Signature]

**Witness**

JULIE MCANULTY name in full  
EUROPA HOUSE PRHP Address  
450 ARGYLE STREET  
GLASGOW  
CASEWORKER Occupation