

Ref: PRHP/RP/13/0173



NOTICE OF A DECISION TO REVOKE

A REPAIRING STANDARD ENFORCEMENT ORDER

ORDERED BY THE PRIVATE RENTED HOUSING COMMITTEE

Re: Property at 29 Kelvin Street, Grangemouth, FK3 8EX as more particularly described in Land Certificate Title Number STG60860 ("the House")

The parties:-

Ms Stacey Yorkston, 69 Hamilton Road, Grangemouth, FK3 0LG (formerly "the Tenant")

and

Formerly Illius Properties, c/o Patten & Prentice, Solicitors, 2 Ardgowan Square, Greenock, PA16 8PP and then Salmon Real Estate Limited and now Mr Gordon Downie, 18 Balmoral Street, Falkirk, FK1 5HE ("the Landlord")

Committee: Mr Maurice O'Carroll (Chairperson)
Mr Robert Buchan (Surveyor Member) and
Mr David Hughes Hallett (Housing Member)

NOTICE TO: Mr Gordon Downie

The Private Rented Housing Committee having determined that the work required by the Repairing Standard Enforcement Order relative to the Property is no longer necessary, the said **Repairing Standard Enforcement Order is hereby revoked** with effect from the date of service of this Notice.

A landlord or tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by way of summary application within 21 days of being notified of that decision.

Where such an appeal is made, the effect of the decision and 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.

M O'Carroll

Signed
Maurice O'Carroll, Chairperson

Date: 16 September 2016

J McAnulty

..... witness:

JULIE McANULTY..... Name of witness

CASEWORKER..... Occupation

450 ARGYLE ST..... Address
GLASGOW



Statement relative to the Notice of the Decision to Revoke

The Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: House at 29 Kelvin Street, Grangemouth, FK3 8EX as more fully described in the relative Notice (“the House”)

Case Ref: PRHP/RP/13/0173

The Parties:-

Application received from Ms Stacey Yorkson (“the Tenant”)

Mr Gordon Downie, as designated above (“the Landlord”)

Committee: Mr Maurice O'Carroll (Chairperson), Mr Robert Buchan (Surveyor Member) and Mr David Hughes Hallett (Housing Member)

Decision

The Committee unanimously, having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order (“RSEO”) relative to the House should be revoked in terms of section 25 of the Housing (Scotland) Act 2006 agreed that the RSEO should be revoked.

1. The RSEO relative to the House required the Landlord to:

- (i) Remove all mould within the House;**
- (ii) Replace all of the double glazing units within the House or to take such other appropriate measures as are professionally advised in order to meet the Repairing Standard;**

- (iii) Install cavity wall and loft insulation to present building standards (not than 270mm in the loft) or to take such other appropriate measures as are professionally advised to meet the Repairing Standard;
 - (iv) Remove the extractor fan in the bathroom and replace it with a humidity controlled extractor fan;
 - (v) Provide evidence of professional advice having been taken with regard to the most appropriate form of insulation and double glazing or other appropriate measures to be installed with the House and that such advice was followed;
 - (vi) Repair or replace the guttering of the House in order for it to be made in full working order; and
 - (vii) Replace the kitchen drawers with a unit equivalent in standard to that which is there at present.
2. The RSEO specified that these works must be carried out and completed within three calendar months of the service of the RSEO dated 7 July 2014. The date for compliance was subsequently varied on 3 December 2014 to allow a further four months for completion.
 3. Ownership of the House changed twice from the date of service of the RSEO until the Landlord took title which delayed implementation of the requirements of the RSEO.
 4. A re-inspection of the House conducted by the surveyor member of the Committee took place on 28 July 2016 to verify that the works had been carried out.
 5. On 29 July 2016, the surveyor member produced a report with photographs for the Committee demonstrating that the above requirements of the RSEO had been complied with as far as was practicably possible.

Decision

6. The Committee therefore determined that the works having been completed to their satisfaction, the RSEO was no longer required. It thereafter determined that the RSEO would be revoked in terms of section 25(1)(b) of the 2006 Act.

Right of Appeal

7. A landlord or tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by way of summary application within 21 days of being notified of that decision.

Effect of section 63 of the 2006 Act

8. Where such an appeal is made, the effect of the decision and 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.

M O'Carroll

Chairperson
Private Rented Housing Committee

Date: 16 September 2016