



CERTIFICATE OF COMPLETION OF WORK

Issued by the Private Rented Housing Committee

Under Section 60 of the Housing (Scotland) Act 2006

PRHP Ref: PRHP/DG1/10/10

Re: Top flat, 5 Castle Street, Dumfries DG1 1DJ, being part and portion of ALL and WHOLE the subjects comprising the top floor flatted dwellinghouse situated at and known as and forming 5 Castle Street, Dumfries; Which subjects form part and portion of the subjects more particularly described in and disposed by Disposition in favour of the Trustees for William Brown and Sons recorded in the Dumfries Burgh Register on 20th May 1930 ("the Property").

The Parties:-

Mrs Astra Penny, residing at Top flat, 5 Castle Street. Dumfries DG1 1DJ ("the Tenant")

and

J G Armstrong Holdings Limited, a company registered under The Companies Acts and having their registered office at Sterling House, Wavell Drive, Rosehill, Carlisle CA1 2SA ("the Landlords")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 17th June 2010 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property has been discharged.

A landlord or 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.

In witness whereof these presents typewritten on this and the preceding page(s) are executed by Andrew Stuart Cowan, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 4th April 2011 before this witness:

C A Millar

(witness)

A Cowan

(Chairman)

Name: Carol Anne Millar

Address: 7 West George Street, Glasgow G2 1BA

Occupation: Legal Secretary



**Statement of facts and reasons for
Decision to grant Certificate of completion of work
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Statement of Facts and Reasons

- 1 On 17th June 2010 the Private Rented Housing Committee issued a decision requiring the Landlords to comply with a Repairing Standard Enforcement Order made by the Committee on the same date.
- 2 On 28th September 2010 the Private Rented Housing Committee varied the Repairing Standard Enforcement Order dated 17th June 2010 by extending the period within which the Landlords must complete the works required by the Repairing Standard Enforcement Order to 31st December 2010 .
- 3 The Private Rented Housing Committee re-inspected the property on 14th February 2011. The Committee thereafter issued a re-inspection report prepared by the Committee's surveyor member Mr George Campbell. A copy of the Committee's re-inspection report was issued to both the Landlords and the Tenant. At that time both parties were requested by the Private Rented Housing Committee to confirm whether they agreed with the findings of the surveyor member's report and whether there was any other relevant information which they wished the Committee to consider before make any further decisions.
- 4 The Private Rented Housing Committee thereafter received the following correspondence from the parties:-

- (a) A letter from the Tenant dated 26th February 2011
 - (b) A letter from the Tenant's solicitors (Messrs John Henderson & Sons) dated 28th February 2011.
 - (c) A letter from the Landlords dated 8th March 2011.
 - (d) A letter from the Landlords dated 10th March 2011.
 - (e) A letter from the Tenant's solicitors (Messrs John Henderson & Sons) dated 11th March 2011.
- 5 In terms of Section 26 (1) of The Housing (Scotland) Act 2006 it is for the Private Rented Housing Committee to decide whether the Landlords have complied with the Repairing Standard Enforcement Order made by the Committee.
- 6 In terms of the RSEO previously granted by the Committee in respect of the subjects the Landlords were to ensure that the house met the Repairing Standard and in particular the Landlords were to ensure that:-
- (a) The house was wind and watertight and in all respects reasonably fit for human habitation and,
 - (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- 7 At the re-inspection of the property the Committee noted that the Landlords had carried out extensive work in both the bedroom and the kitchen. New internal dry-walling has been built over the existing rear walls in both rooms. At the time of the inspection all moisture readings taken within the property were low, except for a small localised area on the return wall between the bedroom and the kitchen, where higher readings were noted.
- 8 In her letter of 26th February 2011 the Tenant complained that she was unhappy with the work which had been carried out by the Landlords. She indicated that:-
- (a) a section of a fitted cupboard in the kitchen had been moved
 - (b) the kitchen window sill had been replaced
 - (c) two essential electric plugs had been moved from the bedroom
 - (d) vinyl flooring in the kitchen had been damaged
 - (e) she had been inconvenienced during the time the remedial works were carried out by the Landlords to address the issues raised in the RSEO.
 - (f) other issues (which had not being raised as part of her original application) remained unattended to by the Landlords
- 9 The Tenant's solicitors, by their letter of 28th February 2011, reiterated that their client was of the view that the original problems identified within the property had not been remedied and that water continued to penetrate the property. They made reference to a report previously exhibited to the Committee from DM Hall surveyors, which report was dated 29th October 2009 and which report was based upon an inspection of the property on 6th October 2009. some 15 months before the latest remedial work were carried out by the Landlords.
- 10 In their final letter dated 11th March 2011 the Tenant's solicitors argued that the Landlords had not carried out all works as recommended by the Committee, in that the rear wall was not

stripped back nor were floorboards exposed in order to identify the extent to which water penetration had occurred.

- 11 In the Landlords' response of 8th March 2011 the Landlords indicated that they agreed the findings of the Committee's surveyor member. The Landlords asked the Committee to consider the age of the building and its construction and suggested that any remaining dampness within the property would dry out.

Decision

- 12 The Committee have carefully considered the various representations made by the parties in relation to this matter. The Committee have determined that the works carried out to the property are sufficient to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation, and that the structure and exterior of the house are in a reasonable state of repair and in proper working order.
- 13 Although the Committee recognised that there continues to be a small localised area on one wall where there continued to be higher than normal dampness readings, there was no evidence before the Committee to suggest that this was caused by a continuing and current source of dampness within the property. Using their own skill and experience the Committee determined that it was likely that this small localised area of dampness was a consequence of historic dampness which would eventually dry out.
- 14 The Committee noted the Tenant's concerns regarding changes to the property which had resulted from the work carried out to address the dampness. The Committee were of the view that these changes were inevitable given the extent of the works required to be carried out by the Landlord to address the dampness issues.
- 15 The Committee noted that they had not specifically stated how the Landlords were to carry out the works to address the issues in the RSEO. In particular the Committee had not specifically stated that the rear wall was to be stripped back or the floorboards exposed etc. as suggested by the Tenant's solicitors letter dated 11th March 2011. It was for the Landlords to carry out such works as were necessary to ensure that the property now met the Repairing Standard.
- 16 The Committee are satisfied that all works required by the RSEO have been satisfactorily carried out. Accordingly the Committee decided to grant a Certificate of Completion.

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 decision and the Certificate 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 Certificate are to be treated as having effect from the date on which the appeal is abandoned or so determined.

A Cowan

Signed
(Chairperson)

Date 11/4/11