



**Certificate of completion of work**

**Issued by the Private Rented Housing Committee**

**Under section 60 of the Housing (Scotland) Act 2006**

prhp Ref: prhp/RP/13/0124

**Re: Property at 20 Leven Drive, Hurlford, Kilmarnock KA1 5HH ("the Property")**

**Title No: AYR10746**

**The Parties:-**

**Kevin McAvoy, sometime residing at 20 Leven Drive, Hurlford, Kilmarnock KA1 5HH, now care of his agent Murphy Scoular, Letting Agents, 22/24 John Finnie Dtreet, Kilmarnock KA1 1DD ("the Landlord"); and**

**Deborah Woolfe, residing sometime at 20 Leven Drive, Hurlford, Kilmarnock KA1 5HH ("the Tenant")**

**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 22 April 2014 and served on 6 May 2014 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

**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.**

In witness whereof these presents typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 15 August 2014 before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

**George Clark**

witness

chairman



## **Statement of decision of the Private Rented Housing Committee under Section 60 (5) of the Housing (Scotland) Act 2006**

**prhp Ref: prhp/RP/13/0124**

**Re : Property at 20 Leven Drive, Hurlford, Kilmarnock KA1 5HH ("the Property")**

### **The Parties:-**

**Deborah Woolfe, residing sometime at 20 Leven Drive, Hurlford, Kilmarnock KA1 5HH ("the Tenant"); and**

**Kevin McAvoy, sometime residing at 20 Leven Drive, Hurlford, Kilmarnock KA1 5HH and now care of his agent Murphy Scoular, Letting Agents, 22/24 John Finnie Street, Kilmarnock KA1 1DD ("the Landlord")**

### **Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the house concerned, determined that the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Act and with the Repairing Standard Enforcement Order in respect of the Property dated 22 April 2014 and served on the Landlord on 6 May 2014.**

### **Background**

- 1** By application dated 25 October 2013, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
- 2** The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard.
- 3** By letter dated 29 January 2014 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
- 4** The Private Rented Housing Committee ("the Committee") inspected the Property on the morning of 22 April 2014. The Committee comprised George Clark (chair), Mike Links (surveyor) and Scott Campbell (housing member).
- 5** Following the inspection of the Property the Committee held a hearing at Buchanan Centre, Tulloch Street, 2 Jeffrey Street, Kilmarnock and thereafter issued a Repairing Standard Enforcement Order. The Order was dated 22 April 2014 and was served on the Landlord on 6 May 2014.
- 6** The surveyor member of the Committee re-inspected the Property on 31 July 2014 and advised that the work required to make the back door of the Property wind and water tight had been carried out, but that the remaining works required by the Repairing Standard Enforcement Order had not been carried out in the manner that the Committee had envisaged, in that the integrated fridge/freezer had not been reinstated in its original compartment and that the free-standing fridge/freezer which had been in the Property at the time of the inspection on 22 April 2014 had been relocated into the base unit in the kitchen closest to the back door of the Property. As a consequence, the door of the base

unit had been removed completely, rather than being re-hung to fit properly. The Committee, however, determined that, whilst not aesthetically pleasing, the end result of the repair works was such as to have achieved the outcome required by the Repairing Standard Enforcement Order.

- 7 The Committee determined that a Certificate of Completion of Work should be issued.
- 8 The decision of the Committee was unanimous.

### **Right of Appeal**

**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**

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.

**George Clark**

Signed ...  
Chairperson



..... Date..... 15 August 2014 .....