



**Certificate of Completion of Work  
Issued by the Private Rented Housing Committee  
Under section 60 of the Housing (Scotland) Act 2006**

**PRHP Ref: Prhp/EH18/149/10  
Title Number MID53555**

**Re: The residential dwellinghouse at 12 Broomieknowe, Gordon Bank,  
Lasswade, Mid Lothian, EH18 1LN  
("the property")**

**The Parties:-**

**Mr K Morrison  
resident at the property  
("the tenant")**

**and**

**Mr M Beattie, C/o Rettie & Co Ltd, 1 India Street, Edinburgh, EH3 6HA  
("the landlord")**

**CERTIFICATE OF COMPLETION**

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order issued on 6 April 2011 relative to the property has been completed. Accordingly, the said Repairing Standard Enforcement Order 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 is subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on the 5 July 2011 before this witness:-

**J Handley** witness **R Handley** chairperson

JANE HANDLEY name in full

COLLEGE MANAGER occupation

23 LESLIE WAY

DUNBAR

EH42 1GP address



**Determination by Private Rented Housing Committee**

**Statement of Decision under Section 24 (1)  
of the Housing (Scotland) Act 2006**

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1 India Street  
Edinburgh  
EH3 6HA  
("the landlord")**

**The Committee's Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the landlord had complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property, and taking account of the evidence made available, the Committee unanimously determined that the landlord had complied with the requirements of the Repairing Standard Enforcement Order issued on 6 April 2011 ("the RSEO") and had complied with the duty imposed by Section 14(1)(b).**

**The Background**

- 1. On 24 October 2010 the tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the landlord**

had failed to comply with the duties imposed by Section 14(1)(b) of the Act.

2. On 10 February 2011 the PRHP office wrote to both parties intimating that an inspection of the property would take place on 8 March 2010 at 12.30 pm and a Hearing would be held after the inspection at 1.15pm in Bonnyrigg Public Hall, Lothian Street, Bonnyrigg.

### **The Application**

3. In the application the tenant submitted that the landlord had failed to comply with his duty to ensure that the property met the Repairing Standard (as defined in the Act) and that the landlord had failed to ensure that:-

the property was wind and water tight and in all other respects reasonably fit for human habitation;

the structure and exterior of the property was in a reasonable state of repair and in proper working order;

the installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water were in a reasonable state of repair and in proper working order.

### **The Inspection**

4. The Committee inspected the property on 8 March 2011 at 12.15pm. Mr Morrison attended and Mr Beattie was represented by Mr Sinclair and Mr Hay.

### **The Hearing**

5. A Hearing took place in Bonnyrigg Public Hall after the inspection. The tenant attended as did Mr Sinclair and Mr C Hay on behalf of the landlord.

### **Findings of fact**

6. The Committee found the following facts to be established:-
  - On 1 April 2010 Mr Morrison and Mr Beattie entered into a Tenancy Agreement which relates to the property.
  - On 24 October 2010 Mr Morrison applied to the PRHP for a determination as to whether or not Mr Beattie had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
  - The property is a 4 bedroomed detached house built pre 1900. The property was in good decorative order.

- There had been water ingress in the property, in particular in the upstairs bedroom situated at the gable end of the property (which had been occupied by Mr Morrison's daughter), in the upstairs bedroom at the other gable end of the property (which had been occupied by Mr Morrison's son) and in the downstairs playroom.
- The roof of the property was slated and was not in a reasonable state of repair and not in proper working order.
- The gutters and downpipes were not in a reasonable state of repair and not in proper working order.
- The east and west chimneys were not in a reasonable state of repair and not in proper working order.
- The gas fire in the downstairs lounge was not in working order.
- A device has been installed in the property for detecting CO emissions.
- The security alarm was in proper working order.

### **Decision**

7. The Committee determined that Mr Beattie had failed to comply with the duty imposed by section 14(1) (b) of the Act.
8. The Committee proceeded to make a Repairing Standard Enforcement Order ("the RSEO") as required by section 24(1) of the Act.
9. In accordance with the RSEO the Committee required the landlord to carry out such works as are necessary to ensure that:-
  - (a) the downpipes and gutters to the rear of the property were in proper working order;
  - (b) the east and the west chimneys were in a reasonable state of repair and in proper working order;
  - (c) the roof was in a reasonable state of repair and in proper working order (including the slates, the ridge straps and the zinc ridging at the slate roof joints);
  - (d) the dampness in the property was eradicated;
  - (e) the gas fire in the downstairs living room was in proper working order.
10. The Private Rented Housing Committee ordered that the works specified in the RSEO be carried out and completed within the period of six weeks from the date of service of the Notice.
11. The decision of the Committee was unanimous.

12. The Committee carried out a further inspection of the property on 13 June 2011 and, having done so, found that the works required by the RSEO had been properly completed. Consequently the Committee agreed that the RSEO be discharged.

**Right of Appeal**

13. A landlord or tenant aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

**Effect of section 63**

14. 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. 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.

Signed..... **R Handley** ..... Date..... *5 July 2011*  
Chairperson