



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/KW8/83/12

Re : Property at 2 Craikaig Cottage, Loth, Helmsdale, KW8 6HP ("the Property")

Sasine Description: those subjects forming and known as 2 Craikaig Cottage being part and portion of the Lands of Craikaig and others, Loth, Helmsdale and being the subjects described in Disposition in favour of William Dudgeon and another recorded in the Division of the General Register of Sasines for the County of Angus on 24 May 1922

The Parties:-

Mr Michael Dudgeon, residing at Craikaig Farm, Loth, Helmsdale, Sutherland, KW8 6HP (the Landlord")

Mr & Mrs Ruddy residing at 2 Craikaig Cottage, Loth, Helmsdale, KW8 6HP (represented by their agent Ms Lorraine Rose, Ross & Cromarty Citizens Advice Bureau) ("the Tenants")

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 29 June 2012, as subsequently varied, 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 type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 22 August 2014 before this witness:-

L Johnston

_____ witness

E Miller

_____ Chairman

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006

prhp Ref: PRHP/KW8/83/12

Re : Property at 2 Crakaig Cottage, Loth, Helmsdale, KW8 6HP ("the Property")

The Parties:-

Mr & Mrs Ruddy residing at 2 Crakaig Cottage, Loth, Helmsdale, KW8 6HP (represented by their agent Ms Lorraine Rose, Ross & Cromarty Citizens Advice Bureau) ("the Tenants")

Mr Michael Dudgeon, residing at Crakaig Farm, Loth, Helmsdale, Sutherland, KW8 6HP ("the Landlord")

Decision

The Private Rented Housing Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspections and hearings by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a Decision dated 29 June 2012, the Private Rented Housing Committee had issued a determination that 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 Committee had placed an RSEO on the Property also dated 29 June 2012. The RSEO required the Landlord:-
 - (a) to carry out such works of repair or replacement as are necessary to ensure the front door complies with the repairing standard.
 - (b) to carry out such works of repair or replacement as are required to ensure that the windows at the Property are properly wind and water tight, capable of opening and closing properly and otherwise are in such condition as is required to meet the repairing standard.
 - (c) to install a suitable extraction fan within the bathroom of the Property.
 - (d) to re-point those areas of the rear external wall where pointing has become dislodged.
 - (e) to repair/replace the plasterboard around the rear bedroom window of the Property and to make good any damage occasioned thereby.
3. Re-inspections of the Property were carried out in December 2012 and May 2013. The Landlord had not dealt with all the works initially. The works were dealt with in a

piecemeal fashion over a period of time. Two further hearings were held in December 2012 and July 2013. On each of those occasions an extension of the time allowed for completion of the works required under the original RSEO was granted, with the agreement of the Tenants.

4. On 5 June 2014, a final reinspection was carried out by Mr Robert Buchan, the original Surveyor Member of the Committee.
5. The Tenants were present at the final re-inspection as was the Landlord, a friend of the Landlord, the Landlord's joiner and the Tenants' representative Lorraine Rose.

The Surveyor Member reported to the Committee that the works had now been carried out.

The front door had been replaced with a new UPVC part-glazed door.

Most of the windows had been replaced with new UPVC framed double-glazed windows and generally the windows throughout the Property were now of a good standard.

An extractor fan had now been fitted in the bathroom as required.

The open joints in the masonry had been re-pointed.

The plasterwork around the rear window had been repaired and repainted.

The Committee considered the results of the reinspection. The Committee was disappointed that it had taken so long for matters to be addressed. The Landlord had not dealt with matters timeously and in an appropriate fashion. However, compliance with the RSEO had finally been achieved. The Property now had the benefit of the improvements carried out and now met the repairing standard. Accordingly the Committee was satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted.

One ancillary point had been raised by the Tenants. The Tenants had paid a painter to make good the decoration around the windows after they had been replaced. The Committee was very clear that it was for the Landlord to make good any redecoration required and this had been specified in the RSEO. It seemed appropriate to the Committee that the Landlord reimburse the Tenants the cost of the painter work as the works carried out should have been done by him. However this was not a matter that the Committee would become involved in and it was simply an issue to be resolved between Landlord and Tenants.

Decision

6. The Committee's decision was to lift the RSEO and grant a Certificate of Completion discharging the RSEO.
7. The decision of the Committee was unanimous.

Right of Appeal

8. **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.**

17. 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.

Signed **E Miller** Date..... 25/8/14
Chairperson