



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 60
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at 1/1, 45 Lyon Street, Dundee (hereinafter referred to as “the House”)

Michael Gow, 1/1, 45 Lyon Street, Dundee (hereinafter referred to as “the Tenant”)

Angela Jane Baird, 10 Panmure Street, Carnoustie (hereinafter referred to as “the Landlord”)

PRHP REFERENCE PRHP/14/0185

The Committee comprised the following members:

John McHugh, Chairperson
Sally Wainwright, Housing Member
Geraldine Wooley, Surveyor Member

DECISION

The Surveyor Member of the Committee having carried out a further inspection of the House, and being provided with photographic evidence, the Committee determined that the work required by the Repairing Standard Enforcement Order served on 19 March 2015 (“the RSEO”) had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Committee was unanimous.

Background

The RSEO required the Landlord to complete the following work within 90 days of service of the RSEO:

- 1 To repair or replace the windows in order that they are reasonably wind and watertight.
- 2 To arrange for an inspection by an independent expert in the treatment of dry rot, to carry out all timber replacement and works recommended and to produce a certificate or report from such an expert confirming that the recommended works have been completed.
- 3 To block the chimney in the kitchen relating to the Aga so as to provide a reasonable level of prevention of draughts.
- 4 To provide an electrical safety certificate issued by a qualified electrician which indicates that the electrical installations at the House are in safe, working condition.
- 5 To put the tumble dryer in working order or to replace it with a working tumble dryer.
- 6 To repair the hole in the wall adjacent to the shower.
- 7 To make adjustments to the front door so that it provides a reasonable level of prevention of draughts.

Reasons for the Decision

On 12 June 2015, the Surveyor Member of the Committee carried out a re-inspection of the House.

At that re-inspection it was noted that some items required by the RSEO to be completed remained outstanding. These were the works relating to the windows and the provision of an electrical safety certificate.

An acceptable EICR was provided after the re-inspection, leaving the windows as the only outstanding item.

The Committee, having been informed by the Landlord that there would be a delay in the supply of new windows, on 21 July 2015 varied the RSEO by extending the deadline for completion of the works to 31 August 2015.

On 17 September 2015, the Surveyor Member re-inspected again and found that new windows had been installed. However, the windows appeared not to be capable of being operated safely in that they had no mechanism to restrict their opening.

On 14 October 2015, the Landlord's representative provided photographic evidence that restrictors had been fitted to the windows.

The Tenant's representative confirmed by email of 26 October 2015 that the Tenant agrees that the works are complete.

Accordingly, all works required by the RSEO have been completed.

Right of Appeal

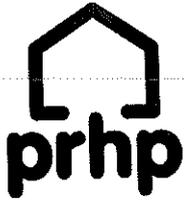
Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

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.

J. MCHUGH

John McHugh
Chairperson

Date: 2 November 2015



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/14/0185

Re : Property at, 1/1, 45 Lyon Street, Dundee ("the Property")

ALL and WHOLE the subjects known as and forming the eastmost house on first floor, 45 Lyon Street, Dundee as more particularly described in Disposition by the Trustees of James Whyte McLean recorded in the Division of the General Register of Sasines for the County of Angus on 27 November 1970.

The Parties:-

Angela Jane Baird, 10 Panmure Street, Carnoustie ("the Landlord")

Michael Gow, 1/1, 45 Lyon Street, Dundee ("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 served on 19 March 2015 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 are executed by John Miller McHugh, solicitor, 65 Haymarket Terrace, Edinburgh, Chairperson of the Private Rented Housing Committee at Edinburgh on 2 November 2015 before this witness:-

G. MCHUGH

J. MCHUGH

_ witness

__ Chairman

GILIAN MCHUGH name in full

65 HAYMARKET TERRACE Address

EDINBURGH

SOLICITOR Occupation