



Determination by Private Rented Housing Committee

**Decision to grant a Certificate of Completion of work
Under Section 60 of the Housing (Scotland) Act 2006**

Ref: PRHP/RP/16/0212

Re property at: Flat D, 29 Macdowall Street, Johnstone, PA5 8QJ, being the subjects registered in the Land Register of Scotland under Title Number REN94696 ("the Property")

The Parties:-

Miss Lynette Ferguson, residing at Flat D, 29 Macdowall Street, Johnstone, PA5 8QJ, ("the Tenant")

Miss Fiona Brown, Shelter Scotland, having a place of business at Foundations First, 10 Falcon Crescent, Paisley, PA31NS ("the Tenant's Representative")

And

Mr Campbell Whyte, formerly residing at 77 Spateston Road, Johnstone, PA5 0SX and now residing at 9 Macdowall Street, Johnstone, PA5 8QH ("the Landlord")

Decision

The Private Rented Housing Committee ("the Committee"), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the requirements of the Repairing Standard Enforcement Order ("RSEO") dated 8 August 2016, in relation to the Property concerned determined that the Landlord has now complied with the terms of that RSEO and that it is accordingly appropriate to grant a Certificate of Completion.

The Committee consisted of:-

Andrew Cowan – Chairperson

Carol Jones – Surveyor Member

Statement of facts and reasons

1. The Committee issued a RSEO in respect of the Property on 8 August 2016.

2. On 28 September 2016, the Surveyor Member of the Committee attempted to re-inspect the Property to ascertain whether the works required by the RSEO had been completed. At that time, the Surveyor Member of the Committee was unable to gain access to the Property.

3. The Committee have been able to consider correspondence which has been received from both the Tenant (per her agents) and from the Landlord and have ascertained the following facts in relation to each aspect of the RSEO:-
 - (a) In terms of the RSEO, the Committee required the Landlord to: commission a certified Electrical Installation Condition Report ("EICR") and Portable Appliance Test ("PAT") on the entire electrical installation of the Property and all electrical appliances and equipment supplied by the Landlord, to be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor; and to carry out works to rectify any identified issues in these reports and to provide the Committee with a certificate from a suitably qualified and registered SELECT or NICEIC electrical contractor, confirming that the works are completed to ensure that the electrical supplies within the Property meet current safety standards and recommendations and are in a reasonable state of repair and are in proper working order.

The Landlord has exhibited to the Committee a copy of an Electrical Installation Condition Report dated 29 June 2016. In terms of the report exhibited to the Committee, the electrical contractor who carried out the report has established that the overall assessment of the electrical installations within the property is satisfactory.

The Committee noted that the Electrical Installation Condition Report did highlight that the electrical installations within the Property do not, however, meet current regulations. The Landlord has clarified, by letter dated 16 November 2016, that the comment made by the electrician in this respect is "due to the consumer unit having no RCDs which, at the

time of installation, was not required by the electrical regulations at that date. The electrician is required to note this as part of the EICR certificate. The electrical installation within the flat is therefore fit for purpose”.

The Committee have noted the Landlord's comments in relation to the Electrical Installation Condition Report. In all the circumstances, the Committee are satisfied that the certificate exhibited, taken together with the explanation as to the electrician's comments on that certificate are sufficient to satisfy the requirements of the RSEO in relation to this matter and this particular requirement of the RSEO has been completed.

- (b) The Committee required the Landlord to: carry out such works as are necessary to ensure that there is an acceptable provision for detecting fires and for giving warning in the event of fire or suspected fire, all as required in terms of Scottish Government guidance for the satisfactory provision for the detection and warning of fires and current building regulations;

In terms of correspondence received by the Committee from the Tenant's Representatives dated 13 September 2016, the Committee noted that the Tenant has confirmed that smoke alarms have been installed within the Property. The Committee are accordingly satisfied that this requirement of the RSEO has been completed.

- (c) The Committee required the Landlord to: carry out such works as are necessary to ensure that the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health, all as required in terms of current Scottish Government guidance for the provision of carbon monoxide detection in private rented housing.

In terms of correspondence dated 13 September 2016, received from the Tenant's Representatives, the Tenant has confirmed that a carbon monoxide detector has been installed within the Property.

In addition, in terms of the gas safety certificate which was exhibited to the Committee by the Landlord, which certificate is dated 20 August 2016, the Committee have noted that it is specifically stated on that certificate that an electrician has installed a hardwired carbon monoxide alarm in the kitchen within the Property.

The Committee are accordingly satisfied that this requirement of the RSEO has now been completed.

- (d) The Committee required the Landlord to: provide a current gas safety record in respect of the Property by a gas safe registered plumbing and heating engineer, showing that any gas appliance within the Property has been checked, repaired as necessary, and is safe and in proper working order.

The Landlord has exhibited to the Committee a gas safety certificated dated 20 August 2016 in respect of the Property. The Certificate exhibited by the Landlord confirms that any gas appliance within the Property has been checked and is safe and in proper working order.

The Committee are accordingly satisfied that this requirement of the RSEO has now been satisfied and completed.

4. In all the circumstances the Committee are satisfied that the requirements of the RSEO have been complied with and that it is appropriate to grant a Certificate of Completion.

Right of Appeal

5. A Landlord or Tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of Section 63

6. 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 **A Cowan**
Andrew Cowan, Chairperson

Date 24 November 2016

L McManus
.....Witness
Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA



Certificate of Completion of work

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

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And

Mr Campbell Whyte, formerly residing at 77 Spateston Road, Johnstone, PA5 0SX and now residing at 9 Macdowall Street, Johnstone, PA5 8QH ("the Landlord")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee ("the Committee") hereby certifies that the work required by the Repairing Standard Enforcement Order ("RSEO") relative to the Property dated 8 August 2016 has been completed. Accordingly, the said RSEO relative to the property has been discharged.

A Landlord or a Tenant aggrieved by this decision of the 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 page only are executed by Andrew Stuart Cowan, chairperson of the Private Rented Housing Committee at Glasgow on 24 November 2016 before this witness:-


A Cowan
Signed Date 24/11/2016
Andrew Cowan, Chairperson

L McManus
..... Witness
Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA

