



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at 45D Culloden Road, Arbroath, DD11 1LH ("the House")

Michael Richardson ("the Tenant")

Mr Ronald Elliot, c/o Ivy Leaf Homes, 4 High Street, Brechin, DD9 6ER ("the
Landlord")

PRHP REFERENCE PRHP/RP/14/0177

Decision

The Private Rented Housing Committee ("the Committee") has now determined that the Landlord has **failed to comply** with the requirements of the Repairing Standard Enforcement Order ("RSEO") issued further to a decision of the Committee dated 23 June 2015 and further determined that notice of that failure should be served on the Local Authority in whose area the property is situated. The Committee further determined not to make a Rent Relief Order in this matter as the Tenant has since vacated the House.

Background

1. On 23 June 2015, the Committee made a determination which stated that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the 2006 Act. On 30 June 2015, the Committee issued a RSEO dated 24 June 2015 in respect of the House.
2. The RSEO issued by the Committee required the Landlord to carry out such works as are necessary to ensure that the House meets the Repairing Standard as required by the Act, further to which to carry out the following:-

- i. Carry out such works as are necessary to repair and make good the holes in the roof and ceilings above the living room and kitchen of the House so that it is windtight and watertight and reasonably fit for human habitation.
 - ii. Replace the carpets throughout the House with floor coverings which are in a reasonable state of repair.
 - iii. Repair or replace the upper and lower guttering to the property to ensure that it is in a reasonable state of repair and in proper working order.
 - iv. Repair and make good the hole in the fascia facing the street so that it is a reasonable state of repair and the House is windtight and watertight.
 - v. Obtain an Electrical Installation Condition Report from a suitably competent person (NICEIC or SELECT registered) to include the shower and the lighting circuits at the property to ensure that they are in a reasonable state of repair and in proper working order.
3. The RSEO specified that the works required by that Order required to be completed within four calendar months of the service of the RSEO.
 4. A re-inspection of the House was carried out by the surveyor member of the Committee on 5 November 2015 at 10.00am. A report was produced, together with photographs, on 9 November 2015 and issued to the landlord and his agent on 10 November 2015.
 5. The re-inspection revealed that none of the works listed above as contained within the RSEO had been carried out by the Landlord.
 6. Accordingly and in terms of section 28(4) of the Act, the Committee decided on 24 July 2015 that the Landlord has failed to comply with the RSEO.
 7. Therefore in terms of section 26(2)(a) of the Act, the Committee determined to send a notice of that failure to the Local Authority in whose area the House is situated.
 8. The Committee are required in terms of section 26(2)(b) of the Act to decide whether to make a Rent Relief Order. In this case, the Tenant has vacated the House. Accordingly, the Committee decided not to make a Rent Relief Order.

Right of Appeal

10. A landlord or tenant aggrieved by the decision of the PRHP committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
11. 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.

Signed: M O'Carroll

Witness: J Kane

Maurice O'Carroll
Chairperson

Date: 30 November 2015

Name and occupation

JANET KANE
PANEL CLERK
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