



NOTICE TO LOCAL AUTHORITY

UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref; EH15/12/13

PROPERTY

All and whole the subjects known as and forming 10/1F Bellfield Lane, Portobello, Edinburgh, EH15 2BL being the subjects more particularly described in the disposition to James Ferguson and William Ferguson recorded in the General Register of Sasines for the County of Edinburgh on the twenty seventh day of March nineteen hundred and eighty.

PARTIES

Ms Audrey Fitzgibbon-Kelly, residing at 10/1F Bellfield Lane, Portobello, Edinburgh, EH15 2BL.

Tenant

and

Mr Robert Donald Ross Brydon, c/o Alba Residential, 21-23 Church Hill Place, Edinburgh, EH10 4BE.

Landlord

REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST Mr Robert Donald Ross Brydon, c/o Alba Residential, 21-23 Church Hill Place, Edinburgh, EH10 4BE.

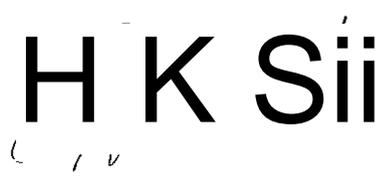
NOTICE

1. **NOTICE IS HEREBY GIVEN** to Edinburgh City Council, being the local authority in which the property is situated, that there has been a failure by the Landlord to comply with a Repairing Standard Enforcement Order dated 15 April 2013 in relation to the property in terms of Section 26(1) of the Housing (Scotland) Act 2006. The Statement of Reasons dated 15 April 2013 and Repairing Standard Enforcement Order dated 15 April 2013 of the Private Rented Housing Committee are attached and referred to for their terms.
2. The date of service upon the parties of the said decision under Section 26 of the Act is hereby certified to be 4 September 2013

IN WITNESS WHEREOF these presents typewritten consisting of this and the preceding two pages are executed by me, Steven Peter Walker, Advocate and Barrister, Chairman of the Private Rented Housing Committee at London on the fourth day of September Two Thousand and Thirteen before this witness Hee Kiat Sii, solicitor, c/o 10 Essex Street, London, WC2R 3AA.


S Walker

Chairman


H K Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PRHP Ref: EH15/12/13

PROPERTY:

10/1F Bellfield Lane, Portobello, Edinburgh, EH15 2BL

RE-INSPECTION

13 June 2013

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 21 January 2013 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Ms Audrey Fitzgibbon-Kelly ('the tenant') regarding the property known as and forming 10/1F Bellfield Lane, Portobello, Edinburgh, EH15 2BL ('the property'). The landlord of the property is Mr Robert Donald Ross Brydon, c/o Alba Residential, 21-23 Church Hill Place, Edinburgh, EH10 4BE ('the landlord').

2. In the application the tenant contended that the landlord has failed to comply with the duty imposed on him by section 14(1)(b) of the Act as the property fails to meet the repairing standard as set out in section 13(1) of the Act. Following inspection and a hearing the Committee agreed and by decision dated 15 April 2013 the Committee determined that the landlord has failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the property fails to meet the repairing standard as set out in section 13(1) of the Act and so imposed a Repairing Standard Enforcement Order ('RSEO') dated 15 April 2013. The outstanding RSEO works are as follows;-
 - 2.1 The cracked and warped rhone directly above the kitchen window requires replacement, the vegetation growing out of each end of the rhone requires removal and the cracked slates on the roof require replacement to ensure that the property is wind and water tight, in all other respects reasonably fit for human habitation and in a reasonable state of repair and proper working order.

 - 2.2 The kitchen window including the sill and the surrounding seals require repair/replacement, the interior surrounds of the kitchen window including the area below the kitchen window require to be repaired and

the external wall to the left facing the kitchen window from street level requires repointing to ensure that the property is wind and water tight, in all other respects reasonably fit for human habitation and in a reasonable state of repair and in proper working order.

2.3 The chimney requires repair to ensure that it is stable, wind and water tight and in a reasonable state of repair and proper working order.

The landlord was given 28 days to carry out the works. Following expiry of the time, a re-inspection of the property was arranged for the 13th June 2013. The tenant advised that she had vacated the house in the meantime.

RE-INSPECTION

3. A re-inspection was carried out by this Committee's surveyor member on 13th June, 2013. The landlord was not present nor represented and the re-inspection was limited to an external assessment. From the external assessment the surveyor could confirm that none of the external works required by the RSEO were completed and it was reasonable to assume that the internal work had not been carried out either as it was so closely related to the repair/replacement of the kitchen window which work had not been carried out. The reinspection report was intimated to the parties and the landlord's representative confirmed by response dated 19th June, 2013 that they agreed with the said report but that they were waiting on quotes to do the works.

DECISION

4. The Committee having considered and discussed the re-inspection report accordingly determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of

this failure shall be served on the relevant local authority and the Police instructed to inform the Procurator Fiscal of this offence for prosecution. As the tenant is no longer in current occupation of the property, the Committee did not consider that any other Order was appropriate.

RIGHT OF APPEAL

5. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

6. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Walker

Signed

Steven Walker

Advocate Barrister Attorney

Chairman

Private Rented Housing Committee

11 August 2013