



## Notice of a decision to Vary

### A Repairing Standard Enforcement Order

#### Ordered by the Private Rented Housing Committee

Re 1, Shielburn Cottages, Westerkirk, Langholm, Dumfries and Galloway ('the Property')

The Parties:-

Kenny McQuillan and Mrs Erna McQuillan ('The Tenants')

Jacqueline Morris C/O C & D Property Services, 17/19 High Street, Longtown, Carlisle, CA6 5UA ('The Landlord')

#### NOTICE to the said JACQUELINE MORRIS ("the Landlord")

The Private Rented Housing Committee having determined that The **Repairing Standard Enforcement Order** should be varied HEREBY vary the outstanding Repairing Standard Enforcement Order to the effect that the following requirements are revoked:

- (1) Replace the putty missing in some of the windows;
- (2) Carry out such works as are necessary to repair the defective seals in the double glazing units;
- (3) Repair or replace the defective velux window frame in the upper hall and ensure that it is wind and water tight;
- (4) Repair or replace the skirting boards in the hall area at the back door and investigate the floor structure in the corner of the side room where the floor appears to have sunk leaving a gap under the skirting board and to make good as required;
- (5) Repair or replace the front and back door/ door frames;
- (6) Repair or replace the bathroom door frame;
- (7) Repair the flushing mechanism in the WC to ensure that it is in proper working order;
- (8) Replace the defective fire bricks in the fireplace in the dining room;
- (9) Provide the Committee with a copy of the current electrical safety report and make good any defects identified in the report;
- (10) Repair and secure the fence to the rear/side of the property to ensure that it is in a reasonable state of repair and in proper working order;
- (11) Inspect the drain at the front of the property and carry out such works as are necessary to ensure that it is in proper working order;
- (12) Make good any damage resulting from the remedial works carried out in accordance with this RSEO.

Consequently the Repairing Standard Enforcement Order has been completely revoked.

**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.**

Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed..... **J Taylor** ..... Date 21<sup>st</sup> May 2013  
Chairperson

..... **E Shedden** ..... witness: ELIZABETH GIFFEN SHEDDEN, 65, High Street, Irvine



**Statement relative to the Notice of the decision to Vary  
The Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

**Re 1, Shielburn Cottages, Westerkirk, Langholm, Dumfries and Galloway ('the Property')**

**The Parties:-**

**Kenny McQuillan and Mrs Erna McQuillan ('The Tenants')**

**Jacqueline Morris C/O C & D Property Services, 17/19 High Street, Longtown, Carlisle, CA6 5UA ('The Landlord')**

**Background**

On 11<sup>th</sup> November 2011 the Tenants applied to the Private Rented Housing Panel ('PRHP') for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Act. Following receipt of the application the President of the PRHP referred the application to a Committee ('The Original Committee') who inspected the Property on 17<sup>th</sup> February 2012.

Following the inspection the Original Committee issued a Repairing Standard Enforcement Order ('RSEO') that specified that the required works must be carried out and completed by 25<sup>th</sup> April 2012. This time limit was subsequently extended by the Original committee to 29<sup>th</sup> June 2012, who subsequently issued a Failure to Comply Decision.

The Failure to Comply Decision was subject to an appeal and the Sheriff had directed a new committee to inspect the Property to determine if the RSEO should be revoked.

Therefore the President of the PRHP referred the matter to a new committee comprising Mrs J Taylor, chairperson, Mr G Campbell, surveyor member and Mr J Riach, housing member. The new committee is hereinafter referred to as 'The Present Committee'. The Present Committee were only provided with the RSEO and the Variation of the RSEO.

**Decision**

**The Present Committee, having made such enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order relative to the Property should be varied in terms of Section 25 of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.**

1. The RSEO relative to the Property required the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Original Private Rented Housing Committee required the Landlord to:-

- (1) Replace the putty missing in some of the windows;
- (2) Carry out such works as are necessary to repair the defective seals in the double glazing units;

- (3) Repair or replace the defective velux window frame in the upper hall and ensure that it is wind and water tight;
- (4) Repair or replace the skirting boards in the hall area at the back door and investigate the floor structure in the corner of the side room where the floor appears to have sunk leaving a gap under the skirting board and to make good as required;
- (5) Repair or replace the front and back door/ door frames;
- (6) Repair or replace the bathroom door frame;
- (7) Repair the flushing mechanism in the WC to ensure that it is in proper working order;
- (8) Replace the defective fire bricks in the fireplace in the dining room;
- (9) Provide the Committee with a copy of the current electrical safety report and make good any defects identified in the report;
- (10) Repair and secure the fence to the rear/side of the property to ensure that it is in a reasonable state of repair and in proper working order;
- (11) Inspect the drain at the front of the property and carry out such works as are necessary to ensure that it is in proper working order;
- (12) Make good any damage resulting from the remedial works carried out in accordance with this RSEO.

2. The Present Committee inspected the property on 16<sup>th</sup> May 2013 to determine if the requirements of the RSEO had been complied with. Mr Steele of C & D Properties (the Landlord's representative) was present. The Tenants had previously vacated the property and were not present. The Committee found as follows:

- (1) Replace the putty missing in some of the windows;  
There was still putty missing to the window of the pantry. However the window was wind and water tight. The Landlord had purchased a replacement double glazed window unit, which was uninstalled and was in the kitchen awaiting installation. The Committee were advised that the double glazed unit was going to be fitted shortly.
- (2) Carry out such works as are necessary to repair the defective seals in the double glazing units;  
Replacement double glazed units had been fitted.
- (3) Repair or replace the defective velux window frame in the upper hall and ensure that it is wind and water tight;  
The velux window had been resealed and it was wind and watertight.
- (4) Repair or replace the skirting boards in the hall area at the back door and investigate the floor structure in the corner of the side room where the floor appears to have sunk leaving a gap under the skirting board and to make good as required;  
The skirting boards had been made secure. The joists in the back room had been spliced and the floorboards had been made secure.
- (5) Repair or replace the front and back door/ door frames;  
New front door and frame had been installed and the rear back door and frame had been repaired.
- (6) Repair or replace the bathroom door frame;  
The bathroom doorframe had been repaired.
- (7) Repair the flushing mechanism in the WC to ensure that it is in proper working order;  
The flushing mechanism in the WC had been repaired and it was in proper working order.
- (8) Replace the defective fire bricks in the fireplace in the dining room;  
The firebricks had been repaired.
- (9) Provide the Committee with a copy of the current electrical safety report and make good any defects identified in the report;  
The Present Committee were provided with a copy of the Electrical Safety Report dated 2<sup>nd</sup> August 2011. The report stated that the electrical installation was in good condition and it should be retested after 3 years. The report also listed a number recommendations and a receipt was provided from John K Armstrong

dated 4<sup>th</sup> January 2013 confirming that the recommendations had been attended to.

(10) Repair and secure the fence to the rear/side of the property to ensure that it is in a reasonable state of repair and in proper working order;

The fences had been repaired.

(11) Inspect the drain at the front of the property and carry out such works as are necessary to ensure that it is in proper working order;

Mr Steele advised the Committee that there had been a blockage in the drain located in the drive which had been repaired. The Present Committee noted that there was no evidence of flooding and concluded that the drain had been satisfactorily repaired.

(12) Make good any damage resulting from the remedial works carried out in accordance with this RSEO.

All damage caused by the required works had been repaired.

### **Decision**

3. The Present Committee was satisfied that items (2) – (12) inclusive of the RSEO had been satisfactorily completed. With regards to item (1) the Present Committee also determined that this item should be revoked as the window of the pantry was wind and watertight.
4. The Present Committee proceeded to vary the Repairing Standard Enforcement Order by revoking the RSEO.
5. The decision of the Present Committee was unanimous.

### **Right of Appeal**

6. **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.**

### **Effect of section 63**

7. 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.

**J Taylor**

Signed ..... Date 21<sup>st</sup> May 2013  
Chairperson