



PRHP Ref: PRHP/RP/15/0274

Re: Property at 30 Hamilton Drive, Airdrie, ML8 6HH ("the property")

Title No: LAN 99457

The Parties:-

Scott MacColl, c/o Professional Letting, Murray House, 17 Murray Street, Paisley, PA3 1QG ("the landlord")

Miss Ashleigh Gillespie, 30 Hamilton Drive, Airdrie, North Lanarkshire, ML8 6HH ("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 23rd March 2016 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 type written on this and the preceding page(s) are executed by Simone Sweeney, Solicitor Advocate and Chairperson of the Private Rented Housing Committee at Glasgow on 1st October 2016 before this witness:-

<u>B Divers</u>	witness	<u>S Sweeney</u>	Chairperson
<u>BARRY JOHN DIVERS</u>	name in full		
<u>C/O ADVOCATES' LIBRARY</u>	Address		
<u>PARLIAMENT HOUSE</u>			
<u>EDINBURGH EH1 1RF</u>			
<u>ADVOCATE</u>	Occupation		



Statement of facts and reasons for decision to grant Certificate of completion of work

Under section 60 of the Housing (Scotland) Act 2006

PRHP ref: PRHP/RP/15/0274

Re: Property at 30 Hamilton Drive, Airdrie, ML8 6HH ("the property")

Land Certificate Title No: LAN 99457

The Parties:

Miss Ashleigh Gillespie, 30 Hamilton Drive, Airdrie, North Lanarkshire, ML6 6HH ("the tenant")

Scott MacColl, c/o Professional Letting, Murray House, 17 Murray Street, Paisley, PA3 1QG ("the landlord")

NOTICE TO SCOTT MacCOLL ("the landlord")

Statement of facts and reasons

1. In a Repairing Standard Enforcement Order (RSEO) dated 23rd March 2016, the Private Rented Housing Committee ("the committee") determined that the landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ("The Act"). In particular, the committee determined that the landlord had failed to ensure that the property complied with the duties imposed by sections 13 (1) (b) (c) (d) and (e) and 14 of the Act by ensuring that, the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order; and that any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

2. The terms of the RSEO were that the landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and, in particular:

- (i) **To carry out such works as are required to ensure that the tilt and turn mechanism of the living room windows are operating effectively and that the windows are in proper working order;**
- (ii) **To replace the existing carpet in the living room;**
- (iii) **To carry out such works as are required to ensure that the W.C. is fixed securely to the floor of the bathroom;**
- (iv) **At the exterior of the property, to fill in the hole on the asphalt path at the base of the external rainwater downpipe and to make sure that the pathway is safe and free from any hazards likely to cause someone to slip, trip or fall.**
- (v) **To repair or replace the cast iron rainwater downpipe at the damaged joint;**
- (vi) **Within the kitchen, to carry out such works as are required to ensure that the kitchen drawer unit operates correctly and is in proper working order;**
- (vii) **To attach the carbon monoxide detector to the wall of the kitchen and ensure that this is compliant with the statutory guidance of the Scottish Government which applies to the provision of carbon monoxide alarms in private rented properties.**
- (viii) **To produce to the PRHP a Domestic Electrical Installation Certificate in respect of the recently installed smoke alarms;**
- (ix) **To carry out all ancillary works necessitated by the above works to and make good all decoration.**

3. The committee which comprised of Simone Sweeney, Chair and Andrew Taylor, Surveyor, ordered that the works specified were to be carried out and completed within 4 weeks from the date of service of the RSEO.

4. By email of 5th April 2016 the landlord's letting agents advised that they had satisfied all parts of the RSEO with the exception of the requirement to produce a domestic electrical installation certificate in respect of the recently installed smoke alarms. The letting agents advised that their appointed contractors were experiencing difficulties in gaining access to the tenancy. Appointments had been arranged with the tenant by the contractors for them to attend on a date on which the tenant would be present. On each occasion the tenant had not been present and access was not permitted. The electrical certificate remained outstanding.

5. By email of 18th April 2016 to the PRHP from the tenant's legal representative, Emma Petit, the committee was made aware that the tenant had vacated the property and the tenancy between the parties was at an end. The email read,

"I can confirm that they (the tenant) moved to a new address in Airdrie two weeks ago therefore they left the property at 30 Hamilton Drive Airdrie."

6. On 20th June 2016 the surveyor member of the committee, Andrew Taylor, carried out a re-inspection of the property to establish if the works required by the RSEO had been completed. The weather conditions were dry and overcast. In attendance at the re-inspection was David Gilmore, representative for the landlord.

7. The surveyor identified that the following works had been completed:

- a. *The tilt and turn mechanisms on the living room windows have been replaced and the windows function properly.*

- b. The living room carpet has been removed.*
 - c. The W.C. has been securely fixed to the bathroom floor.*
 - d. The hole in the asphalt path at the base of the rainwater downpipe has been properly filled.*
 - e. The kitchen drawer has been replaced.*
 - f. The carbon monoxide detector has been correctly attached to the kitchen wall and a second detector has been attached to the living room wall.*
 - g. All ancillary works and decoration have been completed.*
8. During the course of the re-inspection the landlord's representative, David Gilmore, confirmed to the surveyor that the intention was to have the external downpipe repaired within the following days.
9. The surveyor identified that the following parts of the RSEO remained outstanding:
 - i. To repair or replace the cast iron rainwater downpipe at the damaged joint;*
 - ii. To produce to the PRHP a Domestic Electrical Installation Certificate in respect of the recently installed smoke alarms;*
10. The findings of the surveyor's re-inspection are contained in his report dated 20th June 2016.
11. The re-inspection report was not shared with the landlord and his letting agent.
12. Attached to an email dated 20th June 2016, from the landlord's letting agents to the PRHP, was a domestic electrical installation certificate following inspection dated, 25th February 2016. The report concluded that the overall assessment of the installation to be, "*Satisfactory.*"
13. The report provided the results of tests taken to the smoke detectors.
14. An email dated 22nd June 2016 was received by the PRHP from the landlord's letting agents. Attached to the email was a photograph of the external cast iron downpipe. The photograph revealed that a repair had been carried out to the damaged joint of the downpipe.
15. The committee was satisfied that all repairs specified in the RSEO had been carried out and that a domestic electrical installation certificate had been provided which confirmed that the installation for the supply of electricity, including the recently installed smoke alarms was satisfactory.
16. Having determined that all work required by the RSEO had been carried and there remaining no outstanding issues arising from the application before it, the committee resolved to issue a Certificate of Completion.
17. Having determined that a Certificate of Completion was to be issued, the committee reached the view that the re-inspection report should not be intimated to the landlord and his letting agent as the 2 outstanding issues identified in the re-inspection report had now been addressed by the landlord and the terms of the RSEO had been met.
18. **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.**

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

S Sweeney

Legal Chair

At Glasgow on 12th August 2016, as amended on 1st October 2016