



**Certificate of completion of work**  
**Issued by the Private Rented Housing Committee**  
**Under section 60 of the Housing (Scotland) Act 2006**

prhp Ref: PRHP/RP/15/0351

Re : Property at 38H Court Street, Dundee, DD3 7QQ ("the Property")

Land Register Number: ANG412

The Parties:-

Mr Lee McArtney, 38H Court Street, Dundee, DD3 7QQ ("the Tenant")

Mr Akram Din and Mr Jawed Din, represented by their agent, Direct Lettings, 110 Commercial Street, Dundee, DD1 2AJ ("the Landlord")

**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 26 february 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 are executed by Judith V Lea, solicitor, Cupar, Fife chairperson of the Private Rented Housing Committee at Cupar on 7/9 2016 before this witness:-

**T Finnie**

witness

**J Lea**

Chairman

Tom Finnie  
Cupar, Fife



**Statement of facts and reasons for  
Decision to grant Certificate of completion of work  
Under section 60 of the Housing (Scotland) Act 2006**

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**Statement of facts and reasons.**

**Background**

1. On 23 February 2016, the Private Rented Housing Committee comprising of Judith Lea, Chairman and Legal Member and David Godfrey, Surveyor Member, issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 23 February 2016.
2. The terms of the Repairing Standard Enforcement Order required the following work to be completed within six weeks:-
  - (a) Repair/replace the shower door to ensure that the shower cubicle is in a reasonable state of repair and in proper working order.
  - (b) Clear the gutters at the rear of the property of vegetation so that they are in proper working order.
  - (c) Repair the leak in the roof at the vent stack to ensure it is wind and water tight.

- (d) Instruct a reputable timber/damp proofing specialist to investigate the source of the dampness apparent within the property and thereafter carry out any necessary works to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation.
3. On 30 March 2016, the Landlords' agent sent to the Committee evidence to show that scaffolding had been erected at the property, the shower cubicle had been replaced and a report from a damp specialist had been provided. This report recommends that various works be carried out to the property. This work will take time to complete and the Landlord has asked that the Repairing Standard Enforcement Order be varied to allow them until the end of May 2016 to complete the work.
  4. The Committee noted the terms of the Tenant's emails but given the steps already taken by the Landlord and the terms of the report from the damp specialist and given that the work suggested in the report will take some time to carry out, the Committee considered it reasonable to vary the Repairing Standard Enforcement Order to allow the Landlord until the end of May 2016 to complete the work.
  5. The Surveyor member of the Private Rented Housing Committee re-inspected the property on the morning of 6 June 2016 and found as per the attached re inspection report. This report was served on the landlord and the tenant both of whom made further submissions .
  6. In light of these submissions a further re-inspection and hearing were arranged. The Private Rented Housing Committee comprising Mrs Judith Lea and David Godfrey re inspected the property on 31st August 2016. The tenant was present accompanied by Patrick McCartney. The landlord was represented by Graeme Sharp and Leslie Davie from Direct Lettings. The property was found to be in the same condition as at the previous re-inspection on 6 June 2016 and photographs are attached to this decision.
  7. After the re-inspection a hearing was held at Caledonian house, Dundee. The tenant was present accompanied by Patrick McCartney. The landlord was represented by Graeme Sharp and Brian Philip from Direct Lettings.
  8. The Committee went through the Repairing Standard Enforcement Order and it was agreed by both parties that (a) and (b) of the Order had been satisfactorily completed. In respect of (c) Mr Sharp reported that Home Scotland had carried out the necessary work and fixed the leak in the roof. Patrick McCartney stated that in his view the cement filler which had been used may only be a temporary solution to the problem. Mr McCartney however accepted that there was no leak at present. In connection with (d) Mr Sharp advised that the landlord had carried out the work as suggested in the specialist report and submitted that the property was now wind and watertight and that the mould problem had been resolved. Mr McCartney stated that he accepted that it might not be necessary to install a positive input ventilation system but submitted that an extractor fan in the kitchen was required. He pointed out that this was required because it was not realistic to

have a window in the kitchen open when cooking , when it might be raining, and this was the only form of ventilation in the kitchen. Mr Philip stated that from his experience installing a ventilation system would not help. Mr McCartney stated that he thought it would help. The tenant stated that having the heating on with the window open only caused condensation. Mr Philip stated that the property required to be properly ventilated by the tenant. The tenant confirmed that the tumble dryer belonging to him which was in the property was not working and had never been used in the property.

## Decision

9. It was clear that items (a) and (b) of the Order had been satisfactorily completed. The Committee also considered that it was evident from the inspection that the leak in the roof had been repaired and the roof was now wind and watertight. The landlord had instructed a specialist report to investigate the source of dampness in the property and had carried out a lot of the work suggested in the report. The walls in the back bedroom and the lounge which had been previously affected by condensation and mould had been stripped back, treated re-plastered and redecorated. The damp meter readings taken by the Committee were all now satisfactory. The specialist report only recommend the installation of a loft mounted positive input ventilation system if the other steps recommended in the report did not fully manage the problem. From inspection it appeared to the Committee that the steps taken by the landlord have resolved the problem. The specialist report makes no mention of an extractor fan in the kitchen being a requirement.
  
10. The Committee was satisfied that all works required by the RSEO had been satisfactorily carried out. Accordingly, the Committee decided to grant a Certificate of completion.

**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 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.

Signed ..... **J Lea** ..... Date 7/9 ..... 2016  
(Judith V Lea, Chairperson)