



Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

Prhp Ref: PRHP/RP/16/0067

Re: Property 24 Dolphin Gardens West, Currie, EH14 5RE, as more particularly
described in Title Sheet MID75841 ("the House")

The Parties:

Ms Kathleen McKay, residing at the House ("the Tenant")

and

**Mr Peter Henderson, 68 Crosswood Crescent, Balerno, EH14 7HS ("the
Landlord")**

NOTICE TO

Mr Peter Henderson, the Landlord

The Private Rented Housing Committee having determined on 3 November 2016 that the **Repairing Standard Enforcement Order** relative to the Property served following a decision of the Committee on 5 July 2016 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. Item number 8 relating to the wall to the rear of the House is revoked and no longer forms part of the requirements of the Repairing Standard Enforcement Order.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

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.

In witness whereof these presents type written on this page are executed by Maurice O'Carroll, Advocate, Chairperson of the Private Rented Housing Committee at Edinburgh on 10 November 2016 before this witness:-

Murray Morton

witness

M O'Carroll

chairman

MURRAY MORTON

name in full

CIVIL SERVANT

Occupation

450 ARGYLE ST GLASGOW

Address



Statement relative to the Notice of the Decision to Vary

The Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: Property 24 Dolphin Gardens West, Currie, EH14 5RE (“the House”)

The Parties:

Ms Kathleen McKay, residing at the House (“the Tenant”)

and

Mr Peter Henderson, 68 Crosswood Crescent, Balerno, EH14 7HS (“the Landlord”)

Committee: Mr Maurice O'Carroll (Chairperson), Mr Ian Murning (Surveyor Member)

Decision

The Committee unanimously, having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order (“RSEO”) relative to the House should be varied in terms of section 25(1)(a) of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.

1. The RSEO relative to the House required the Landlord to:
 1. Repair and complete the harling to the rear of the extension to the House;
 2. Secure the rhone and guttering at the extension of the House;
 3. Replace the harling on the garage where it has been removed;
 4. Reinstall the rear window of the garage;
 5. Replace or reinstall the rhone to the garage;
 6. Repair or replace the woodwork surround to the door of the garage;
 7. Reinstate the security light formerly attached to the garage and ensure that it functions correctly;

8. Reinstate the wall connecting the rear of the House to the garage in its prior location to the same height using similar materials to those used previously;
 9. Ensure that the armoured electrical cable to the rear of the house is properly secured, repositioned or otherwise ensure that it no longer presents a trip hazard;
 10. Reinstate the electrical connection and pump to the garden pond and ensure that pump is functional;
 11. Clear all debris from the site and vegetation from the pond and reinstate paving slabs to either side of the pond where they have been removed;
 12. Repair or replace the gas boiler to ensure that it meets current gas safety requirements;
 13. Provide an up to date gas safety certificate demonstrating that the boiler meets current gas safety requirements;
 14. Comply with the requirements contained with the EICR produced by Select dated 1 June 2016 in order to make the House fully compliant with current electrical safety standards.
2. The RSEO specified that these works required to be carried out and completed within two calendar months of service of the RSEO.
 3. A re-inspection of the House was conducted by the surveyor member of the Committee on 9 September 2016 and a report was produced by him on 22 September 2016.
 4. The report revealed that whilst most of the works listed in the RSEO had been carried out, items 8, 13 and 14 of the RSEO remained outstanding.
 5. By email dated 25 October 2016, the Landlord wrote to the Private Rented Housing Panel to indicate that works necessary to complete items 13 and 14 had been carried out. The Committee awaits written confirmation of this in accordance with the terms of the RSEO.
 6. The Landlord also indicated that the reinstatement of the wall referred to in requirement 8 of the RSEO would not be carried out. The reason provided was that the wall had always been a "stand alone" feature of the House and had never in fact joined either the House or the garage to the property. He further indicated that it had been removed for safety reasons and that its absence did not undermine the security of the House.

Decision

7. In light of the new information provided to it referred to above, the Committee determined that it would no longer insist on requirement 8 of the RSEO being carried out. It therefore decided to vary the RSEO to the extent of deleting that particular requirement in terms of section 25(1)(a) of the 2006 Act.

Right of Appeal

8. **A landlord or tenant aggrieved by this decision of the Private Rented**

Housing Committee may appeal to the Sheriff by way of summary application within 21 days of being notified of that decision.

Effect of section 63 of the 2006 Act

9. 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.

M O'Carroll

Chairperson

Date: 10 November 2016