



Rent Relief Order

Ordered by the Private Rented Housing Committee

ref: PRHP/EH/48/27/11

Re: Property at 65 Mill Road, Bathgate ("the Property")

Title: Title Number WLN7815

The Parties:-

**Richard Iain Jolliffe, Lochside House, 3 Lochside Way, Edinburgh
("the Landlord")**

Steven Clarke, 65 Mill Road, Bathgate ("the Tenant")

NOTICE TO ("the Landlord")

Whereas in terms of their decision dated 5th September 2011 the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the property made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 90% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

A landlord or a 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.

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents typewritten on this and the preceding page are executed by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on Seventh September Two Thousand and Eleven in the presence of Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

Murdoch McCamley

(witness)

Anne McCamley

Chairman PRHC

Determination by the Private Rented Housing Committee
Statement of decision of the Private Rented Housing Committee

ref: PRHP/EH/48/27/11

Re: Property at 65 Mill Road, Bathgate ("the Property")

Title: Title Number WLN7815

The Parties:-

**Richard Iain Jolliffe, Lochside House, 3 Lochside Way, Edinburgh
("the Landlord")**

Steven Clarke, 65 Mill Road, Bathgate ("the Tenant")

Decision

Decision

The Committee, having made such enquiry as it sees fit determines that the Landlord has failed to comply with the terms of the Repairing Standard Enforcement Order dated 18th October 2010 and now serves Notice of said failure on Falkirk Council in terms of Section 26 of the Act, and further the Committee makes a Rent Relief Order reducing the rent payable under the tenancy by 90% in terms of Section 27 of the Act.

Statement

1. On the 9th of May 2011 the Committee made a Repairing Standard Enforcement Order requiring certain works to be carried out at the property.
2. Said work was ordered to be completed within **four weeks** of the date of service of the Repairing Standard Enforcement Order. The Repairing Standard Enforcement Order is referred to for its terms.
3. On the 3rd of August 2011 the property was re-inspected by Donald Marshall, Surveyor member of the Committee following the expiry of the period for completion of the works. His inspection revealed that no work whatsoever had been carried out to comply with the Repairing Standard Enforcement Order.
4. The Tenant confirmed in writing that the Landlord had not sought access to carry out any work and there had been no contact from either the Landlord or the Landlord's agents with regard to the Repairing Standard Enforcement Order.
5. Having considered the terms of Mr Marshall's inspection report and taken account of the written submissions from the Tenant the Committee determines that the Repairing Standard Enforcement Order has not been complied with in any respect.
6. There has been no application for revocation or variation of the Repairing Standard Enforcement Order. In any event the Committee could see no basis for any such application.

7. Having regard to a Rent Relief Order, the Committee is satisfied, given the blatant disregard of the requirements of the Repairing Standard Enforcement Order, the nature of the disrepair as recorded in the Committee's previous Determination, and the length of time that the property has been in disrepair, that a Rent Relief Order should be made. The Local Authority will be notified as required by statute. Central Scotland Police will be notified as the failure to comply with the Order constitutes a criminal offence.
8. Having made the foregoing findings the Committee decided to make a Rent Relief Order reducing the rent payable under the tenancy by 90%. This reduction reflects the Committee's concern regarding the Landlord's failure to comply with the Order in the time specified therein and the serious nature of the disrepair.. This is the maximum reduction allowed by Statute.
9. **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.**
10. 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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect **twenty-eight days** after the date on which the appeal is abandoned or the decision confirmed.

Signed **Anne McCamley** ...
Chairman

Date 5th September 2011