



Statement of decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006

prhp Ref: prhp/rp14/0054

Re : Property at 16A Shaftesbury Place, Dundee Angus DD2 1JX being All and Whole the westmost house on the first floor at 16A Shaftesbury Place, Dundee, referred to in the Feu Disposition to Judith Alison Wallace recorded in the General Register of Sasines for the county of Angus on 21 July 1993 ("the Property")

The Parties:-

Miss Dawn Fieldsend, 16A Shaftesbury Place, Dundee, Angus DD2 1JX ("the Tenant")

Mr John Downes c/o Struan Baptie Property Management Ltd., 1A Victoria Road, Dundee DD1 1EL ("the Landlord")

Background

1. On 4 July 2014, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 1 July 2014.
2. On 21 November 2014, the surveyor member of the Committee re-inspected the property. Struan Baptie, property manager and Landlord's agent, was present.
3. The surveyor member noted that an inspection of the roof had been carried out and the cause of the water ingress had been identified. No works have yet been undertaken. The surveyor member was told that the top floor owner now acknowledges that the disrepair to their windows is the prime cause of water ingress to the property. The Landlord's agent also informed the surveyor member that all the owners in the block were now prepared to agree to and pay for the works required and that the following works have been identified:-
 - Scaffolding to be erected to both elevations of the building and across the roof
 - Roof and gutters to be repaired or replaced where required (estimated cost £30000 +)
 - Repair/replacement of windows to top floor flat
 - The owner of 16A will at the same time ensure that the windows of the property are repaired or replaced to meet the requirements of the RSEO.
4. In the circumstances, given the extent and cost of the work required and the Landlord's agent's estimate that the work cannot be completed until late February/March 2015, the Committee consider it reasonable to allow the Landlord until 31 March 2015 to comply with the terms of the Repairing Standard Enforcement Order.

Right of Appeal

5. **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

6. 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.

Signed **Judith Lea** Date...29 January 2015
Chairperson



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

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The Parties:-

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NOTICE TO Mr John Downes c/o Struan Baptie Property Management Ltd., 1A Victoria Road, Dundee DD1 1EL (“the Landlord”)

The Private Rented Housing Committee having determined on 28 January 2015 that the Repairing Standard Enforcement Order relative to the Property served on 4 July 2014 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. The period allowed for the completion of the work required by the order is extended until 31 March 2015.

Subsection 25(3) of the Housing (Scotland) Act 2006 does 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 and the preceding page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 29 January 2015 before this witness:-

..... Witness

Judith Lea
Chairman

Rachel Graham
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife