

Statement of Reasons

Ref PRHP/EH4/102/09

**Re: Property at 463 Queensferry Road, Edinburgh EH4 7ND
("the Property")**

Sasine Description: All and Whole that dwellinghouse and garden ground pertaining thereto known as and forming number Four Hundred and Sixty-three Queensferry Road, Edinburgh being the subjects more particularly described in Disposition to Elizabeth Porteous Campbell Thomson or Black recorded in the Division of the General Register of Sasines for the County of Edinburgh on the Twenty-third day of July Nineteen Hundred and Thirty-five.

The Parties:-

Miss Patricia Bruce, c/o Smith Gore, 12 Bernard Street, Edinburgh acting under power of attorney for her parents Thomas and Isabella Bruce ("the Landlord")

Callum Young, 463 Queensferry Road, Edinburgh ("the Tenant")

Background

By virtue of a decision dated 18th June 2010 to vary the original Repairing Standard Enforcement Order the Committee ordered the Landlord to effect certain repairs to the above property within ten weeks from the date of service of Notice of Variation. The Notice of Variation is referred to for its full terms.

The period within which the repairs were due to be completed has expired and both Landlord and Tenant confirm the repairs have not been carried out. Accordingly the Committee determined to hold a further Hearing (on the 8th of November 2010) to enquire as to current circumstances. Both parties were notified of the date of the Hearing by letter dated 13th October 2010.

On 25th October 2010 the Tenant requested an adjournment of the Hearing as he required to accompany his mother to a hospital appointment. After full consideration

the Committee refused the application to adjourn. In terms of the Private Rented Housing Panel (Application and Determinations) Regulations 2007 Regulation 21

the Committee must not adjourn a Hearing unless it is satisfied the issues cannot otherwise be justly determined. The Committee took the view the Tenant could send written representations or instruct his solicitor to attend on his behalf.

Accordingly the Hearing took place in Edinburgh on the 8th November 2010 at 10.00 a.m. The Landlord and her agent attended.

The purpose of the Hearing was to establish why the work had not been carried out as directed in the aforementioned Notice.

The Landlord explained there continued to be difficulties obtaining access for tradesmen. Mrs. Young's ill health allows only limited opportunity for tradesmen to create disturbance and she has had a number of hospital appointments to attend. The Landlord has requested the Tenant to give times and dates where there might be a window of opportunity to carry out the repairs without disturbing Mrs. Young however no mutually convenient dates or times have been identified so far.

Having taken account of the foregoing information the Committee is satisfied it is appropriate to further vary the Order to extend the timescale within which the work has to be completed. The work must now be completed within six months of the service of the accompanying Notice.

Parties are reminded of the provisions of Section 181(4)(b) of the Housing (Scotland) Act 2006 which gives a Landlord a statutory entitlement to enter his property for the purpose of carrying out such work as is required by a Repairing Standard Enforcement Notice always after obtaining a Warrant from a Sheriff or Justice of the Peace.

Right of Appeal

A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of Section 63

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.

A McCamley

8/11/10

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**Notice of Decision to Further Vary a Repairing Standard
Enforcement Order ordered by the Private Rented Housing
Committee**

ref: PRHP/EH/4/102/09

Re: Property at 463 Queensferry Road, Edinburgh EH4 7ND
("the Property")

Sasine Description: All and Whole that dwellinghouse and garden ground pertaining thereto known as and forming number Four Hundred and Sixty-three Queensferry Road, Edinburgh being the subjects more particularly described in Disposition to Elizabeth Porteous Campbell Thomson or Black recorded in the Division of the General Register of Sasines for the County of Edinburgh on the Twenty-third day of July Nineteen Hundred and Thirty-five.

The Parties:-

Miss Patricia Bruce, c/o Smith Gore, 12 Bernard Street, Edinburgh acting under power of attorney for her parents Thomas and Isabella Bruce ("the Landlord")

Callum Young, 463 Queensferry Road, Edinburgh ("the Tenant")

**NOTICE TO Miss Patricia Bruce, c/o Smith Gore, 12 Bernard Street,
Edinburgh acting under power of attorney for her parents
Thomas and Isabella Bruce ("the Landlord")**

The Private Rented Housing Committee determined on 8th of November 2010 that the Repairing Standard Enforcement Order dated the 24th of February 2010 should be further varied in the following respects:-

1. The period allowed for the completion of the work outstanding in the Order is extended for six months from the date of service of this Notice.
2. The outstanding matters are as follows:-
 - (i) To trim the bottom of the back/patio door and to fit a bar thereto.
 - (ii) To free up the kitchen window to ensure it opens and closes and provides ventilation for the kitchen.

- (ii) To free up the kitchen window to ensure it opens and closes and provides ventilation for the kitchen.
- (iii) To repair the soil pipe at the rear of the property.

Sub-Section 25(3) of the Housing (Scotland) Act does apply in this case.

Right of Appeal

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In witness whereof these presents typewritten on this and the one preceding page are executed by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on the Tenth day of November Two Thousand and Ten before Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

M McCamley

Witness

A McCamley

Chairman