

Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re : Property at Braehouse Touch, Stirling, FK8 3AH being All and Whole the dwelling house known as and forming Braehouse, Touch, FK8 3AH lying in the County of Stirling, being part and portion of the subjects more particularly described in the disposition in favour of Patrick Bury Buchanan dated Third day of October, nineteen hundred and fifty five and registered in the Division of the General Register of Sasines for the County of Stirling on eight day of February, nineteen hundred and fifty six (search sheet 1356/6293) ("the Property")

The Parties:-

Mr & Mrs Alistair Miller Braehouse Touch, Stirling. ("the Tenants")

Touch Trust, Touch House, Touch Estate by Stirling. Represented by William Anderson of Managed Estates, 1 Springkerse Road, Stirling ("the Landlord")

NOTICE TO Touch Trust, Touch House, Touch Estate by Stirling. Represented by William Anderson of Managed Estates, 1 Springkerse Road, Stirling ("the Landlord")

The Private Rented Housing Committee having determined on 11 July 2013 that the **Repairing Standard Enforcement Order** relative to the Property served on 2 May 2012 should be further varied, the said **Repairing Standard Enforcement Order** is hereby further varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the outstanding works as undernoted is extended by a further period of 6 weeks.

Works Outstanding

1. Rectify rising and penetrating dampness throughout the property
2. Treat the woodworm in the roof timbers
3. Repair/replace gutters and downpipes to ensure they are in a reasonable state of repair.
4. Insulate the pipe that crosses the burn to ensure continuity of water supply.
5. Repair and make safe stone boundary wall

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 16 July 2013 before this witness:-

M Smith

_____ witness

J Lea

_____ chairman

Maxine Smith
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife

Determination by the Private Rented Housing Committee

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

Prhp Ref: KY8/138/11

Re : Property at Braehouse Touch, Stirling, FK8 3AH being All and Whole the dwelling house known as and forming Braehouse, Touch, FK8 3AH lying in the County of Stirling, being part and portion of the subjects more particularly described in the disposition in favour of Patrick Bury Buchanan dated Third day of October, nineteen hundred and fifty five and registered in the Division of the General Register of Sasines for the County of Stirling on eight day of February, nineteen hundred and fifty six (search sheet 1356/6293) ("the Property")

The Parties:-

Mr & Mrs Alistair Miller Braehouse Touch, Stirling. ("the Tenants")

Touch Trust, Touch House, Touch Estate by Stirling. Represented by William Anderson of Managed Estates, 1 Springkerse Road, Stirling ("the Landlord")

Background

1. On 1 May 2012, 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 May 2012.
2. On 19 December 2012 the surveyor member of the Committee re-inspected the property. The Landlord was present. The Tenant was not in attendance and is no longer living in the property
3. The surveyor member noted that none of the works required in terms of the Repairing Standard Enforcement Order had been undertaken and all the works remained outstanding.
4. The surveyor's report was sent to the Landlord for his comments
5. The Landlord sent a letter advising that the Tenants had left the property on 10 May 2012 and the property had been unoccupied since. The Landlord confirmed that contractors had been engaged and a building warrant obtained for works to the house. The Landlord provided the building warrant drawings for the proposed work and advised that the building work would address all the issues raised in the Repairing Standard Enforcement Order and that the work should be completed within three months.
6. Given that the property was not occupied at that time, the Committee granted a Variation of the Repairing Standard Enforcement Order to allow the Landlord until the end of April 2013 to complete the work.
7. On 12 June 2013 the surveyor member of the Committee re-inspected the property. The Landlord was not present or represented. A new Tenant granted access to the property.
8. The surveyor member noted that:

- 1) the flooring in the front left bedroom appeared to have been repaired
 - 2) the original sash and case windows had been repaired and re-decorated and the doors has been redecorated
 - 3) localised repairs had been carried out to the rain water fittings
 - 4) minor re-pointing had been carried out in places
 - 5) Various repairs have been carried out to the roof covering and the kitchen roof has been re-slatted.
9. The surveyor member however noted that although the property had been redecorated there was nothing to suggest that the dampness, which was apparent within the property, had been treated by a specialist and nothing to suggest that the woodworm within the roof timbers had been treated by a specialist. The surveyor member also noted that there were still some sections of guttering missing, there was no sign of insulating works having been carried out to the water supply and that there were still extensive areas of boundry wall which were damaged and in an unsafe condition.
 10. The surveyor's report was sent to the Landlord for his comments. The Landlord advised that over £55K had been spent on the property with the ceilings, floors and joists replaced and treated, the kitchen outshot re-roofed and re-slatted, a new bedroom created, a new bathroom installed, new window openings installed, windows repaired, kitchen enlarged, new kitchen tiled, new lights installed. The house had been re-wired, the chimneys have been capped, fireplace removed, new floor coverings, carpets, linoleum and hardwood floors installed. The entire house had been re-decorated inside and out, the car park has been landscaped and the access road re-surfaced. The Landlord advised that the drystone waller should be on site within the next fortnight and that a plumber was to insulate the water pipe when he had time, prior to the cold weather. The Landlord also enclosed bill of quantities, building warrant and drawings.
 11. The Committee accepted that the Landlord has carried out extensive works at the property. There are however still a number of works required by the Repairing Standard Enforcement Order that have not yet been undertaken. The Landlord has indicated that the flooring and timbers have been treated and replaced but has not provided the necessary paperwork to show that this is the case. The Committee were concerned that the property has been re-let while there are outstanding matters contained with the Repairing Standard Enforcement Order that have not been completed. This is a criminal offence in terms of Section 28(5) of the Housing (Scotland) Act 2006.
 12. Given however that the Landlord has carried out a lot of work at the property, the Committee considered it reasonable to allow a variation of the Order to give the Landlord a further 6 weeks to complete all the works prior to taking the step of reporting matters to the procurator fiscal.
 13. After the 6 week period the Committee will re-inspect the property and if necessary, re-convene a hearing. The Landlord is strongly advised to deal with these outstanding matters as soon as possible and to attend any future re-inspection and hearing.

Right of Appeal

6. **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

7. 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 **J Léa** Date... **17/7/13**
Chairperson