



Variation of a Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee
prhp/RP/14/088

Re 12 Kilndale Terrace, Kirkcudbright, DG6 4BX being the subjects registered in the Land Register of Scotland under title number KRK9350 ('the Property')

The Parties:-

Miss Eileen Wright residing at 12 Kilndale Terrace, Kirkcudbright, DG6 4BX ('The Tenant')

Ms Debbie Mathieson residing at 22 Erconwald Street, London, W12 0BS ('The Landlord')

NOTICE TO

Debbie Mathieson

Whereas in terms of their decision dated 18th August 2014, the Private Rented Housing Committee determined that it be appropriate for the Repairing Standard Enforcement Order dated 27th June and served on 18th July 2014 to be varied now therefore the said Repairing Standard Enforcement Order is varied as follows:

The Private Rented Housing Committee orders that the works required by the said Repairing Standard Enforcement Order be carried out and completed by 12th September 2014.

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, 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... **M McAllister**
Chairperson

... Date 18th August 2014

S Harveywitness: Sharon Harvey 51 Hamilton Street, Saltcoats



Determination by Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

prhp ref: RP/14/0088

Re 12 Kilndale Terrace, Kirkcudbright, DG6 4BX being the subjects registered in the Land Register of Scotland under title number KRK9350 ('the Property')

The Parties:-

Miss Eileen Wright residing at 12 Kilndale Terrace, Kirkcudbright, DG6 4BX ('The Tenant')

Ms Debbie Mathieson residing at 22 Erconwald Street, London, W12 0BS ('The Landlord')

Decision

The Committee, having considered the representations of the Landlord that she has been unable to comply with the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 27th June 2014 and served on 18th July 2014 and also the representations of the tenant, determines that there should be a variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 ("the Act"). The RSEO is varied as follows: **The works detailed in the RSEO must be carried out by 12th September 2014.** The decision of the Committee was unanimous.

The Committee comprised the following members – Mr Martin McAllister, Chairperson; Ms. Carol Jones, Surveyor Member; and Mr Ahsan Khan, Housing Member.

Findings in Fact

1. A Repairing Standard Enforcement Order (RSEO) relative to the house dated 27th June 2014 and served on 18th July 2014 was issued requiring works as specified in the Order to be completed within twenty eight days of service of the RSEO.
2. On 6th August the Landlord wrote to the Committee indicating that works detailed in the RSEO had not been completed. She indicated that there had been difficulties with access and alleged that actions of the tenant had impeded her in carrying out the works. She also referred to the holiday arrangements of the tradesman she wanted to carry out some of the work.

3. The Committee noted the terms of a Gas Safety Certificate dated 4th July 2014 and produced by the Landlord.

4. The tenant made representations to the effect that she had not impeded access for the works to be done. She said that she had denied access to the landlord and her family. The tenant stated that the works had not been completed.

Reasons for the Decision

1. The Committee accepted that the works requiring to be done by the RSEO had not been completed and considered it reasonable to allow the landlord more time to complete them.
2. In arriving at its decision the Committee took no view on the representations made by the landlord and the tenant other than the fact that the works had not been done.
3. Whilst making no determination with regard to the reasons for the work required by the RSEO not having been done the Committee observed that a tenant residing in a property which is the subject of a RSEO should not deny the landlord or agents of a landlord reasonable access to implement the terms of a RSEO.

Right of Appeal

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

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 **M McAllister** Date 18th August 2014
Chairperson*

Witness **S Harvey**

Name in Full: Sharon Harvey

Address: 51 Hamilton Street, Saltcoats