



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

prhp Ref: prhp/RP/14/0172

Re : Property at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Property")

Description: ALL and WHOLE the dwellinghouse and others known as Mill of Dess Farmhouse, Aboyne Aberdeenshire AB34 5BE, being part of the subjects registered in the Land Register of Scotland under Title Number ABN109695.

The Parties:-

E W Pepper Limited, incorporated under the Companies Acts and having its registered office at Orchard House, Bury Lane Farm, A10 Melbourn Royston, Hertfordshire SG8 6DF (represented by its agent Strutt & Parker LLP, St Nicholas House, 68 Station Road, Banchory AB31 5YJ) ("the Landlord"); and

Scott Mannion and Mrs Cecile Mannion, both residing sometime at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Tenant")

NOTICE TO E W PEPPER LIMITED ("the Landlord")

The Private Rented Housing Panel having determined on 7 May 2015 that the Repairing Standard Enforcement Order relative to the Property made on 10 October 2014 should be varied under Section 25 of the Housing (Scotland) Act 2006, the said Repairing Standard Enforcement Order is hereby varied with effect from the date of service of this Notice in the following respects:-

The period of time within which Landlord is required to carry out the works specified in the Repairing Standard Enforcement is extended to 30 June 2015.

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.

In witness whereof these presents typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 7 May 2015, before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V Clark

G Clark

_____ witness

_____ chairman



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

prhp Ref: PRHP/RP/14/0172

Re: Property at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Property")

The Parties:-

Scott Mannion and Mrs Cecile Mannion, both residing sometime at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Tenant"); and

E W Pepper Limited, incorporated under the Companies Acts and having its registered office at Orchard House, Bury Lane Farm, A10 Melbourn, Royston, Hertfordshire SG8 6DF (represented by its agent Strutt & Parker LLP, St Nicholas House, 68 Station Road, Banchory AB31 5YJ) ("the Landlord").

Decision

The Committee, having made such enquiries as it saw fit, determined that the Repairing Standard Enforcement Order in respect of the Property made on 10 October 2014 should be varied to allow the Landlord until 30 June 2015 to carry out the work required by the Order.

Background

1. By application dated 10 July 2014, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
 - (b) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,
3. By letter dated 25 July 2014 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee inspected the Property on the morning of 10 October 2014. The Tenant and the Landlord's agent were present during the inspection. The Committee comprised George Clark (Chairman), Angus Anderson (surveyor member) and Michael Scott (housing member).

5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Old Free Kirk Building, Aboyne Masonic Hall, Charlestown Road, Aboyne and heard from both the Tenant and the Landlord's agent, Strutt & Parker LLP, represented by Mr James Craig and Mr David Smart.
6. Following upon the hearing, the Committee proceeded to make a Repairing Standard Enforcement Order in respect of the Property, requiring the Landlord, within the period of 4 weeks from the date of service of the Notice:
 - (a) to carry out such works as are necessary to restore to proper working order or to replace the immersion water heater in the Property;
 - (b) to investigate the cause of dampness in the flooring and walls of the shower room, including checking the plumbing in that room and in the adjoining laundry room and thereafter to carry out such repair works as are necessary to eliminate the dampness problem and to make good plasterwork and tiling and redecorate as necessary; and
 - (c) to adjust the position of the stove in the Property by moving it forward to ensure that the oven doors can be opened fully without obstruction and to make good any damage to the adjacent wall surfaces caused by moving the stove.

7. Summary of the issues

The Committee was advised that the Tenant had vacated the Property on or about 5 April 2015 and the issue to be determined was whether the Committee should grant to the Landlord an extension of the time limit specified for carrying out the work required by the Repairing Standard Enforcement Order.

8. Reasons for the Decision

The Committee was of the view that the investigation of the cause of dampness required by the Order could more easily be carried out when the Property was vacant and that it was, therefore, reasonable to grant to the Landlord an extension of time within which to carry out the work required by the Order.

9. Decision

The Committee proceeded to vary Repairing Standard Enforcement Order in terms of Section 24(a) of the Act, by extending the time limit for carrying out the work to 30 June 2015

10. The decision of the Committee was unanimous.

Right of Appeal

11. **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

12. 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.

G Clark

Signed ...

.... Chairperson Date... 7/5/2015