



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

Ref prhp/rp/15/0114

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Allison McGill residing at 215 Glencoats Drive, Paisley PA3 1RR the Tenant at the date of the application against Victoria Carol Ronaldson or McEnroe or Taff, the Landlord at the date of the application.

Re: Property at 215 Glencoats Drive, Paisley PA3 1RR ("the Property") registered in the Land Register for Scotland under title number REN77970 and now owned by Deepkamal Kaur residing at the Property

Committee Members

Karen Moore (Chairperson)

Kingsley Bruce (Surveyor Member)

Elizabeth Dickson (Housing Member)

NOTICE TO THE LANDLORD

Deepkamal Kaur ("the Landlord")

residing at 215 Glencoats Drive, Paisley PA3 1RR

Whereas in terms of their decision dated 11 October 2016, the Private Rented Housing Committee determined that the Repairing Standard Enforcement Order dated 9 October 2015 made by them in relation to the Property be varied further, the Committee hereby varies the Repairing Standard Enforcement Order as follows:-

The time limit for compliance with the Repairing Standard Enforcement Order is extended to
30 April 2017

A Landlord or a Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within twenty one 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 printed on this and the preceding pages are subscribed by Karen Moore, Chairperson, at Glasgow on 11 October 2016 before this witness, Norman William Moore, solicitor, Dunnswood House, 10 Dunnswood Road, Cumbernauld, G67 3EN

W Moore

K Moore

Witness



**Determination by Private Rented Housing Committee
Statement of Decision of the Private Rented Housing Committee issued under
Section 24(1) of the Housing (Scotland) Act 2006**

Ref prhp/rp/15/0114

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Allison McGill residing at 215 Glencoats Drive, Paisley PA3 1RR, the Tenant at the date of the application, against Victoria Carol Ronaldson or McEnroe or Taff, the Landlord at the date of the application ("the Landlord").

Re: Property: 215 Glencoats Drive, Paisley PA3 1RR ("the Property") registered in the Land Register for Scotland under Title Number REN77970

Committee Members

Karen Moore (Chairperson)

Kingsley Bruce (Surveyor Member)

Elizabeth Dickson (Housing Member)

Decision

The Committee determined to vary further the Repairing Standard Enforcement Order made by the Committee and dated 16 June 2015 in relation to the Property and further extend the timescale for compliance.

Factual Background

1. On 16 June 2015, the Private Rented Housing Committee ("the Committee") issued a determination that the Landlord had failed to comply with the duty imposed on her by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ("the Act") in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a) of the Act.

2. On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO) as follows:-

The Landlord must on or before 24 July 2015:-

1. (a) *Instruct a full inspection of the boiler and hot water installation by a suitably qualified gas engineer and (b) complete the resultant repairs or replacement, if necessary, to ensure that there is domestic hot water throughout the Property and ensuring that there is an even, effective flow of water through heating radiators;*

2. (a) *Instruct an inspection by a suitably qualified electrician of both (i) the electrical installation in the Property and (ii) the adequacy of provision of fire and smoke*

detection in the Property and (b) carry out such works as are found necessary as a result of the inspection and

3. (a) Instruct an inspection by a suitably qualified roofing contractor of the lead cover flashing at the front porch of the Property and (b) carry out such works as are found necessary as a result of the inspection.

3. The Surveyor Member of the Committee re-inspected the Property on 3 August 2015 and reported that none of the works required by the RSEO had been carried out. The Committee issued the re-inspection report to the Landlord and, having taken into account the Landlord's representations in respect of her financial situation, allowed further time to complete the works. The Committee varied the time limit in the RSEO to 26 January 2016.
4. The Surveyor Member of the Committee further re-inspected the Property on 17 February 2016 but was unable to gain access. The Surveyor Member noted that, contrary to the Landlord's advice in her email of 12 February 2016 that the lead flashing works would be carried out by the date of the further re-inspection, none of the external works required by the RSEO had been carried out and that the Property appeared to be unoccupied.
5. The Committee issued the re-inspection report to the Landlord, reminded the Landlord of the effect of the RSEO and enquired if the Landlord required further time to complete the works. The Landlord responded by email dated 15 March 2016 that she continued to be in a difficult financial situation and requested further time to carry out the works required by the RSEO. The Committee agreed to this request and varied the RSEO further and extended the timescale for the works to be carried out to 30 June 2016.
6. The Surveyor Member of the Committee further re-inspected the Property on 1 August 2016 and was accompanied by the Landlord. The Landlord advised that the Property was being sold. The works required by the RSEO had not been completed. The Committee issued the re-inspection report to the Landlord who wrote to advise that the Property had been sold. The Committee, having made enquiries with the Land Register of Scotland, issued the re-inspection report to the new owner, Deepkamal Kaur, and enquired of her if she intended to occupy the Property or intended to let the Property. Mrs. Kaur replied that she presently occupied the Property but might let it in the future. Mrs. Kaur advised she intended to carry out the works required by the RSEO within the next year.

Reasons for the Decision of the Committee

7. Although it was of concern to the Committee that the Landlord and thereafter Mrs. Kaur had failed to comply with the RSEO, the Committee again took into account the fact that the Property is not currently tenanted. Accordingly, the Committee determined that it was fair and reasonable to allow a further opportunity to comply with the RSEO. With regard to the nature of the works, the Committee, using its

professional judgement, determined that a further six months was a reasonable period to extend the time limit for compliance.

8. The Committee then proceeded to vary the RSEO in terms of Section 25 of the Act.
9. The decision of the Committee is unanimous.
10. The Committee draw the Landlords' attention to Section 28(1) of the Act which states that a landlord who, without reasonable excuse, fails to comply with a repairing standard enforcement order commits an offence and to Section 28(5) of the Act which states that it is an offence for a landlord to enter into a tenancy or occupancy arrangement in relation to a house which is subject to a repairing standard enforcement order.

Right of Appeal

11. The parties' attention is drawn to the terms of Section 64 (4) of the Act regarding their right to appeal and the time limit for doing so. It provides that a landlord or tenant aggrieved by a decision of a private rented housing committee may appeal to the Sheriff within a period of 21 days of being notified of the decision.
12. Where an appeal is made, the effect of the appeal is that the determination of the committee 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

Karen Moore, Chairperson

Date 11 October 2016