

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

PRHP Ref: EH30/166/12

Re : The residential flat at 8 Edinburgh Road, South Queensferry, EH30 9HR
("the Property")

Land Register Number: WLN1679

The Parties:-

Mr Sam Baird, 8 Edinburgh Road, South Queensferry ("the Tenant")

Mrs E Sales, c/o Arden Property Management, 43 Morningside Road,
Edinburgh ("the Landlord")

NOTICE TO

**Mrs E Sales, c/o Arden Property Management, 43 Morningside Road,
Edinburgh**

The Private Rented Housing Committee having determined on 16 July 2013 that the **Repairing Standard Enforcement Order** relative to the Property served 4th February 2013 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respect:-

1. The period allowed for the completion of the outstanding works is extended for a further period of 12 months.

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 22 July 2013 before this witness:-

R Graham

witness

J Lea

chairman

Rachel Graham
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: EH30/166/12

Re : The residential flat at 8 Edinburgh Road, South Queensferry, EH30 9HR ("the Property")

Land Register Number: WLN1679

The Parties:-

Mr Sam Baird, 8 Edinburgh Road, South Queensferry ("the Tenant")

Mrs E Sales, c/o Arden Property Management, 43 Morningside Road, Edinburgh ("the Landlord")

Background

1. On 1 February 2013, 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 February 2013.
2. On 13 May 2013 the surveyor member of the Committee re-inspected the property. The agents for the Landlord were present. The Tenant was not in attendance.
3. The surveyor member noted that the roof slating has been overhauled to both front and rear slopes, new flashings have been fitted and the rain water conductor system appeared to be in order and effective. The surveyor member was informed that the joint owners had paid approximately £12,000 for the roof work. The surveyor noted that the damaged plaster had not yet been repaired because the contractors had been allowing time for the wall to dry out before re-plastering. It was intended that these works would take place on 15 May 2013. At the time of inspection the walls were still reading at a significant damp level and the surveyor member was of the view that more time may be required before re-plastering and re-decorating could be done.
4. In the circumstances, the Committee considered it reasonable to allow the Landlord a further period of 6 weeks to have the re-plastering and decorating done at the property and a variation of the Order was issued to this effect.
5. A further re-inspection was arranged for 19 July 2013. The Landlord sent in representations on 4 July 2013 confirming that the roof works were now complete but that the wall inside had not yet been plastered because it was still wet. The Landlord advised that wall was being checked on a weekly basis with a damp meter but until it was below a certain percentage the work could not be carried out. The Landlord explained that the wall is very thick and might take a long time to dry out. The surveyor member was of the opinion that it could take a considerable period of time for the wall to be dry enough to enable the Landlord to do the re-plastering and decorating.

6. In the circumstances the Committee considered it reasonable to allow a further period of 12 months for the work to be fully completed.

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.

J Lea

Signed Date 22 July 2013
Chairperson