



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re Milton Cottage, Dunscore, Dumfries, DG2 0UP ('the Property')

The Parties:-

Miss Jacqueline Andrews, Milton Cottage, Dunscore, Dumfries, DG2 0UP ('The Tenant')

GM Thomson & Co, Chartered Surveyors, 35 Buccleuch Street, Dumfries, acting for and duly authorised by Mrs E N Lukas Trust for Grandchildren ('The Landlords')

NOTICE TO

GM Thomson & Co, Chartered Surveyors, 35 Buccleuch Street, Dumfries, acting for and duly authorised by Mrs E N Lukas Trust for Grandchildren ('The Landlords')

The Private Rented Housing Committee having accepted the Landlords' application to have The **Repairing Standard Enforcement Order** varied to allow additional time for completion of the outstanding works The Private Rented Housing Committee determined that The **Repairing Standard Enforcement Order** is **VARIED** with effect from the date of service of this Notice to the effect that :-

(1) Clause (3) on the RSEO should be deleted and replaced with:

'(3) Remove the torn and slipped floor coverings.'

(2) The period allowed for the completion of the works is extended to 18th October 2013.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not 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.

Signed..... **J Taylor** Date 3rd September 2013
Chairperson
K Byrne witness: KEIRSTEN BYRNE, 65, High Street, Irvine



Statement relative to the Notice of the decision to Vary

The Repairing Standard Enforcement Order

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Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order relative to the Property should be varied in terms of Section 25 of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.

1. The RSEO relative to the Property required the Landlords to:-
 - (1) Investigate and repair the water ingress in the rear wall of the kitchen at the junction with the living room.
 - (2) Relocate the hot water control unit to ensure that it is easily accessible and capable of use.
 - (3) Repair and/ or replace as necessary the torn and slipped floor coverings to render them safe and in proper working order.
2. The RSEO as previously varied specified that these works must be carried out and completed by 30th June 2013.
3. Carolyn Davies of GM Thomson & Co advised by letter dated 23rd August 2013 that and wished an extension. Her letter stated:

'With the Tenant dying the property is now unoccupied and the Landlord has advised that they wish to consider a renovation of the property, but at the current time prices are still being collated and no works have yet to be instructed.

The only item to be rectified relates to a section of carpet to what was described as the Tenant's front bedroom, and therefore the landlord is reluctant to have a carpet that is going to be removed from the property repaired, and as the room within which it sits may be altered during any works, it would also not be worthwhile replacing the carpet at this time.

We would be grateful if the Committee would consider amending the order to enable the removal rather than the replacement or repair of the carpet as a satisfactory solution to finalising the works stipulated in this Order as at this stage we do not wish to replace any carpets until any other building or renovation works are undertaken at the property.

We would then be able to get this work attended to and confirm it has been completed.'

Decision

- 4. The Committee agreed to vary the RSEO as follows:
 - 4.1 Clause (3) on the RSEO should be deleted and replaced with:
'(3) Remove the torn and slipped floor coverings.'
 - 4.2 The time limit for completion of the works specified in the RSEO, as varied, to be extended to 18th October 2013.
- 5. The Committee proceeded to make the said variation to the Repairing Standard Enforcement Order in terms of section 25.
- 6. The decision of the Committee was unanimous.

Right of Appeal

- 7. **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

- 8. 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 Taylor** Date 3rd September 2013
Chairperson 