

DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING
COMMITTEE UNDER SECTION
26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

**Property at 13 Ontario Park, East Kilbride G75 8LX
(hereinafter referred to as "the house")**

The Parties

Mr. James Tedesco, 13 Ontario Park, East Kilbride ("the Tenant")

**Michael Brodie and Mrs. Laura Brodie, c/o Unit 5, Woodilee Industrial Estate,
Kirkintilloch, Glasgow ("the Landlord")**

DECISION

The Private Rented Housing Committee ("the Committee"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings of the Surveyor Member of the Committee at the inspection of the property on 26 November 2008, determined that the Landlord should be given an extension of the period allowed for the completion of the required work in terms of Section 25(2) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act")

Background

1. Reference is made to the Determination of the Committee dated 3rd June 2008 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and the RSEO made by the Committee which required the Landlord to carry out works as specified therein. The said works to be carried out and completed within a period of 28 days from the date of service of the Notice of the RSEO. Service of the Notice of the RSEO was effected on the Landlord on 11 June 2008. The Tenant appealed the decision of the Committee and the appeal was dismissed on 24 September 2008 from which date the period for carrying out and completing the works in the RSEO was effective.
2. On 26 November 2008 Mr. Alan English, Surveyor Member of the Committee, in the presence of Mr. Robert Shea, Clerk to the Committee, carried out an inspection of the house for the purpose of ascertaining if the said repairs in the RSEO had been completed. The Landlord was present at the inspection of the house. A report on his findings was submitted to the Committee indicating that the whole flat is in the course of refurbishment following upon the house being vacated by the Tenant. These refurbishment works include the provision of new kitchen and bathroom fittings, and the replastering and rewiring of the house. It was noted that items (b), (c) and (e) of the RSEO are complete and items (a) and (c) of the RSEO are the subject of works

which are likely to be completed shortly.

3. The Committee, in light of the information provided from the inspection, considered that satisfactory progress had been made in carrying out the required works and noted that the Landlord was carrying out a scheme of works well in excess of those repairs required by the RSEO and that the works being undertaken are having no impact on any occupier of the house since the house is vacant. The Committee, mindful of Sections 25(2) and (3) of the Act, considered that it would be appropriate to give the Landlord an extension of the period required to complete the works detailed in the RSEO and issued a variation of the RSEO in terms of section 25(1)(a) of the Act. The members of the Committee were unanimous in their decision.

A Devanny

Chairperson,
10 December 2008

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

Re : Property at 13 Ontario Park, East Kilbride G75 8LX, being the subjects registered in the Land Register for Scotland under Title Number LAN 67296 ("the Property")

The Parties:-

Mr. Michael Brodie and Mrs. Laura Brodie, c/o Unit 5, Woodilee Industrial Estate, Kirkintilloch, Glasgow ("the Landlord")

Mr. James Tedesco, 13 Ontario Park, East Kilbride G75 8LX ("the Tenant")

NOTICE TO Mr. Michael Brodie and Mrs. Laura Brodie ("the Landlord")

The Private Rented Housing Committee having determined on 8 December 2008 that the **Repairing Standard Enforcement Order** relative to the Property served on 11 June 2008 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:-

The period allowed for the completion of the work required by the order is extended for a further 70 days.

Subsection 25(3) of the Housing (Scotland) Act 2006 applies 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(s) are executed by Mrs. Aileen Margaret Devanny, Solicitor, Motherwell, Chairperson of the Private Rented Housing Committee at Motherwell on Eleventh December 2008 in the presence of the undernoted witness :-

A S Devanny _____ Witness

A Devanny

Chairperson

ALEXANDER DEVANNY _____ Name in full

95 STEWARTON ST. _____ Address

WISHAW _____

SOLICITOR _____ Occupation