



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

PRHP REFERENCE AB54/49/13

Re: Property at Shielpark, Knock, Huntly AB54 7LP being the subjects more particularly described in and disposed by the Disposition by the Trustees of Alexander George in favour of William Biddie, recorded GRS Banff 28th May 1923 (hereinafter referred to as the "house")

The Parties

Mrs. Elizabeth McLeod, residing at the house (the "Tenant")

Mr. Iain Murray and Mrs. Vicky Murray, care of Peterkins Solicitors, 3 The Square, Huntly, AB54 8AE (the "Landlord")

NOTICE TO Mr Iain Murray and Mrs Vicky Murray ("the Landlord")

The Private Rented Housing Committee having determined that the Repairing Standard Enforcement Order relative to the house dated 29 July 2013 and served on 30 July 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:-

The time limit for carrying out and completion of the works specified in the said Repairing Standard Enforcement Order will be extended by a period of 8 weeks from date of service of this Notice on the Landlord.

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 typewritten on this and the preceding page are executed by Mrs Aileen Margaret Devanny, Solicitor, Glasgow, Chairperson of the Private Rented Housing Committee at Glasgow on Eighteenth day of February 2014 in the presence of the undernoted witness :-

G Wardlow Witness

A Devanny

Chairperson

Gemma Wardlow Name in full

Europa Building Address

450 Argyle St G2 8LH

Panel Clerk Occupation



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 Shiel Park, Knock, Huntly AB54 7LP
(Hereinafter referred to as "the house")

Mrs. Elizabeth McLeod ("the Tenant")

Mr. Iain Murray and Mrs Vicky Murray care of Peterkins, Solicitors, 3 The Square,
Huntly AB54 8AE ("the Landlord")

PRHP REFERENCE AB54/49/13

DECISION

The Committee has considered the findings in the recent inspection report in the context that the Tenant has vacated the house and the works required in the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") are in the process of being arranged and executed. In these circumstances the Committee consider that there should be a variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 ("the Act"). The decision of the Committee was unanimous.

The Committee comprised the following members - Mrs. Aileen Devanny, Chairperson; Mr. Mark Andrew, Surveyor Member; and Mrs Linda Robertson, Housing Member

Findings in Fact

1. A Repairing Standard Enforcement Order (RSEO) relative to the house dated 29 July 2013 was issued requiring works as specified in the Order to be completed within a timescale of 12 weeks of service of the Order on the parties.
2. On 24 October 2013 the Landlord wrote to the Committee indicating that the works detailed in the RSEO had nearly been completed. The electrical inspection remained outstanding. There was an indication that the Tenant had

vacated the house and until she left there were access problems for workmen. The Landlord has requested an extension of the timescale in the RSEO for completion of works by a period of one month.

3. On 31 October 2013 the Committee considered that a variation of the RSEO should be given providing an extension of time for completion of the works for a period of 6 weeks.
4. The surveyor member inspected the house on 8 January 2014 and issued a report which was sent to the Landlord and representations were sought on the reason for the delay in carrying out the works. The report indicated that overall the work has progressed slowly due to difficulty in finding contractors to carry out the work required. The repairs undertaken to date suggest a willingness to carry out the required works and many items are partially complete. An electrical contractor is being appointed but the work is incomplete. No written representations have been received from the Landlord.

Reasons for the Decision

The Committee considers, on the basis of the surveyor's written report, that the work overall is progressing. The house is empty and the delay in carrying out works is not having an adverse effect on occupants of the house. The Landlord's mother indicates that there have been problems with commissioning an electrical contractor who will carry out the works and a contractor previously instructed did not proceed. The Committee consider it is appropriate to vary and extend the time limit for completion of works in the RSEO for a period of 8 weeks from date of service of the Notice to vary the RSEO which will follow from this decision.

The Committee refer to the terms of the RSEO which may specify particular steps which the Committee require the Landlord to take in complying with the Order. This is a provision in terms of Section 24(5) of the Act. In this connection the Committee observe that the electrical installation is a major part of the works required by the RSEO and as such they would expect to see a new consumer unit in the steading with trip switches and RCD as well as a satisfactory Periodic Inspection Report (PIR) by a qualified and competent electrician on the electrical installation and the wiring within the house. The terms of the RSEO are referred to for the works requiring completion. The provision of Section 14(2) of the Act is drawn to the attention of the Landlord. That section provides that the duty to ensure that the house meets the repairing standard includes a duty to make good damage caused by carrying out any work for the purposes of complying with the duty in Section 14(1) of the Act.

Right of Appeal

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

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.

A Devanny

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Chairperson,
18th February 2014

