



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Reference PRHP/ML9/69/11

RE: Property at 25 Scott Street, Larkhall ML9 2QH, being the subjects more particularly described in Land Certificate Title Number LAN 181339 ("the house")

The Parties:-

Ms. Catherine Karen Telfer, residing at 25 Scott Street, Larkhall ML9 2QH (represented by her agent Mr. James Anderson, 98 Kier Hardie Road, Larkhall) ("the Tenant")

Mr. Peter Ross Munro, 7 Earls Hill, Cumbernauld G68 9ET, whose agents are the firm of Munro, Neil and Osborne, Estate Agents and Mortgage Consultants, 82 Union Street, Larkhall ML9 1DR ("the Landlord")

NOTICE TO Mr. Peter Munro ("the Landlord")

The Private Rented Housing Committee having determined on 12 March 2012 that the Repairing Standard Enforcement Order relative to the Property dated 30 November 2011 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 works required by the Order is extended for a further 28 days.

Subsection 25(1) (a) of the Housing (Scotland) Act 2006 applies in this case.

A Landlord or 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, Chairperson of the Private Rented Housing Committee at Glasgow on Sixteenth day of March 2012 in the presence of the undernoted witness :-

I MacLean

A Devanny

Witness

PAIN MACLEAN Name in full

EUROPA BUILDING Address

450 ARGYLE STREET, GLASGOW, G2 8LU

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 25 Scott Street, Larkhall ML9 2QH ("the house")

The Parties:-

Ms. Catherine Karen Telfer, residing at 25 Scott Street, Larkhall ML9 2QH (represented by her agent Mr. James Anderson, 98 Kier Hardie Road, Larkhall) ("the tenant")

Mr. Peter Ross Munro, 7 Earls Hill, Cumbernauld G68 9ET, whose agents are the firm of Munro, Neil and Osborne, Estate Agents and Mortgage Consultants, 82 Union Street, Larkhall ML9 1DR ("the landlord")

Reference PRHP/ML9/69/11

DECISION

The Committee has considered the representations of the parties and in particular is aware that the tenant has vacated the house and works are in the process of being executed to the house, and in these circumstances 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 decision of the Committee was unanimous.

Findings in Fact

1. A Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 30 November 2011 was issued requiring works as specified in the Order to be completed within a timescale of 28 days of service of the Order on the parties.
2. Following upon expiry of the timescale for completion of works specified in the RSEO, the Surveyor Member, Ms Carol Jones, re-inspected the house on 11 January 2012. The tenant Ms Catherine Telfer was present but advised that she was due to vacate the house on 15 January 2012 as she had secured another

- tenancy nearby.
3. The Re-inspection findings indicated that no works had been carried out since the Committee's inspection of the house on 17 November 2011 and none of the works in the RSEO had been completed.
 4. The Re-inspection report from the Surveyor Member detailing her findings was submitted to the parties and in response both parties agreed that the works in the RSEO were outstanding although there was a suggestion made by the landlord, which suggestion was disputed by the tenant, that the delay in carrying out works was due to access problems encountered with the tenant.
 5. Both parties agree that the tenancy has been lawfully terminated and the tenant has vacated the house.
 6. The Landlord in e-mails of 10 January 2012, 24 February 2012 and 6 March 2012 indicated that the internal works are almost finished and there are new front and back doors and new fences and the external works are ongoing.
 7. The Committee comprised the following members - Mrs. Aileen Devanny, Legal Member; Ms. Carol Jones, Surveyor Member; and Mr. Chris Harvey, Housing Member

Reasons for the Decision

The Committee considers, on the basis of the Landlord's written representations, that works are being carried out to the house and are prepared to vary and extend the RSEO for 28 days to allow one final chance for the Landlord to complete the works detailed in the RSEO.

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

Chairperson,
16 March 2012