



Certificate of Completion of Work
Issued by the Private Rented Housing Committee
Under section 60 of the Housing (Scotland) Act 2006

PRHP Ref: PRHP/RP/13/0136

Re: The residential dwellinghouse at
Flat 3
44C Portobello Road
Edinburgh
EH15 1DA
("the Property")

The Parties:-

Mrs Norma Arthur
resident at the Property
("the Tenant")

and

Mr Mohammed Afzal
50 Craigcrook Road
Edinburgh
EH4 3PP
("the Landlord")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 9 February 2014 relative to the Property has been completed. Accordingly the RSEO has been discharged.

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.

In witness whereof these presents typewritten on this page is subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 8 May 2015 before this witness:-

J. Handley witness **R. Handley** chairperson

JANE HANDLEY name in full

23 LESLIE WAY, DUNBAR address

EAST LOTHIAN.



Decision by the Private Rented Housing Committee

**Statement of Reasons of the Private Rented
Housing Committee under Section 24 (1) of the
Housing (Scotland) Act 2006**

PRHP Ref: PRHP/RP/13/0136

**Re: The residential dwellinghouse at
Flat 3
44C Portobello Road
Edinburgh
EH15 1DA
("the Property")**

The Parties:-

**Mrs Norma Arthur
#formerly resident at the Property
("the Tenant")**

and

**BMr Mohammed Afzal
150 Craigcrook Road
Edinburgh
EH4 3PP
("the Landlord")**

The Committee comprised:

**Mr Ron Handley – Chairperson
Ms Susan Napier – Surveyor
Ms Helen Barclay – Housing Member**

The Committee's Decision

The Committee, having made such enquiries as it saw fit unanimously determined that the Landlords had complied with the requirements of the Repairing Standard Enforcement Order dated 9 February 2014 ("the RSEO") and the Committee now discharges the RSEO.

The Background

- 1. On 31 October 2013 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlord**

had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act").

2. Following receipt of the Tenant's application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.

The Application

3. In her application the Tenant alleged that the Landlord had failed to comply with his duty to ensure that the Property met the Repairing Standard (as defined in the Act).
4. In particular it was submitted that:
 - A periodical electrical inspection of all wiring, light switches, fans and electrical points should be carried out by a qualified, registered electrician.
 - the Landlord had failed to ensure that the Property was wind and water tight and in all respects reasonably fit for human habitation; that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and not in proper working order; the fixtures, fittings and appliances provided by the Landlords under the Tenancy Agreement were not in a reasonable state of repair and not in proper working order.

The Inspection

5. The Committee inspected the Property on 4 May 2011 at 10.00am. The Tenant was not present at the inspection and Mr Whittet represented the Landlords. A Hearing was arranged for 11.00 am in Inglis Memorial Hall after the inspection. Ms Kay attended the Hearing and the Landlords were again represented by Mr Whittet.
6. The Committee found the following facts to be established:
 - The Tenant and the Landlords entered into a Tenancy Agreement that related to the Property.
 - The Property is a two-room ground floor flat in a two-storey dwelling house. The Property comprises a bathroom, kitchen, living room and bedroom.
 - The shower (in the bathroom) is in a reasonable state of repair and in proper working order.

- The Property is heated by a gas central heating system.
 - The bathroom window opens and is in a reasonable state of repair. The extractor fan in the bathroom is in proper working order.
 - There was no evidence of dampness in the bathroom.
 - The Landlords are required to have a Landlord's Gas Safety Certificate that relates to the system for space heating and heating water within the Property. The Landlords are required to provide the Tenant with a copy of this Certificate. No such document was made available to the Tenant (or to the Committee).
 - There is dampness in the area immediately above the skirting board in the external wall of the living room.
7. The Committee determined that the Landlords had failed to comply with the duty imposed by section 14(1) (b) of the Act.
 8. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act.
 9. The decision of the Committee was unanimous.
 10. On 5 December 2011 the surveyor member of the Committee re-inspected the Property and found that the works required in the RSEO had been completed. Following consideration of the re-inspection report the Committee unanimously decided that the RSEO should be discharged.

Right of Appeal

11. A Landlord(s) or Tenant aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

12. 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. 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.....**R. Handley**..... Date.....**8 May 2015**.....
 Chairperson