



Variation of Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref prhp/rp/16/0032

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Trudy Louise Cross residing at Flat 2/1, 95 Curle Street, Glasgow, G14 0RR on behalf of herself and Ryan McGeady also residing at Flat 2/1, 95 Curle Street, Glasgow, G14 0RR ("the Tenants") against David Leslie Jackson and Marjorie Jean Holmes Anderson now McMenemy both residing at 12 Husr Avenue, Harsham, West Sussex, RH12 2EL ("the Landlords")

Re: Property at Flat 2/1, 95 Curle Street, Glasgow, G14 0RR ("the Property") registered in the Land Register for Scotland under Title Number GLA201384

Committee Members

Karen Moore (Chairperson)

Mike Links (Surveyor Member)

NOTICE TO THE LANDLORD

David Leslie Jackson and Marjorie Jean Holmes Anderson now McMenemy both residing at 12 Husr Avenue, Harsham, West Sussex, RH12 2EL ("the Landlords")

Whereas in terms of their decision dated 27 April 2016, the Private Rented Housing Committee ("the Committee") determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlords had failed to ensure that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and

subsequent to that decision the Committee, Committee imposed a Repairing Standard Enforcement Order dated 27 May 2016 ("the RSEO") requiring the Landlords to carry out certain works and whereas the Committee, at the request of the Landlords, agree to vary the RSEO and allow further time for compliance, the Committee now require the Landlords to do the following:-

The Landlords must on or before 31 August 2016:-

1. Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the Property, by a suitably qualified and registered ~~SELECT~~ or NICEIC electrical contractor and carry out such repair or replacement works as recommended by that check to ensure that the boiler is operating to provide hot water and heating are in proper working order and provide a certificate confirming these works have been carried out to the Committee.

A Landlord or a Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within twenty one days of being notified of that decision.

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.

In Witness Whereof these presents printed on this and the preceding page are subscribed by Karen Moore, Chairperson, at Glasgow on 27 July 2016 before this witness, Norman William Moore, solicitor, Cumbernauld.

N Moore *Witness*

K Moore



Determination by Private Rented Housing Committee

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

Ref prhp/rp/16/032

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Trudy Cross residing at Flat 2/1, 95 Curle Street, Glasgow G14 0RR on behalf or herself and Ryan McGeady as Tenants of the Property against David Leslie Jackson and Marjorie Jean Anderson now McMenemy residing at 139, Tanbridge Park, Horsham, West Sussex, RH15F ("the Landlords")

Re: Property at Flat 2/1, 95 Curle Street, Glasgow G14 0RR ("the Property") registered in the Land Register for Scotland under Title Number GLA201384

Committee Members

Karen Moore (Chairperson)

Mike Links (Surveyor Member)

This Decision should be read in conjunction with the Committee's Decision dated 27 April 2016.

Background

1. Following their decision dated 27 April 2016, the Private Rented Housing Committee ("the Committee"), imposed a Repairing Standard Enforcement Order dated 27 April 2016 ("the RSEO") as follows:-

The Landlord must on or before 31 May 2016:-

Instruct a suitably qualified gas engineer to carry out an inspection of the gas installation in the Property and carry out such repair or replacement works as recommended by that inspection to ensure that the boiler is operating to provide hot water and heating and provide a gas safety certificate to the Tenants and copy same to the Committee.

2. Both the Tenants and the Landlords submitted written representations to the Committee stating that whilst a gas engineer had called at the Property, the matter complained of in the Application had not been remedied and so the RSEO had not been complied with.
3. The Tenants' written submissions comprised copy email correspondence to the Landlords advising that Mr. Lovat Cross had been appointed as their Agent, that they intended to vacate the Property on 31 July 2016 and that they were not prepared to allow a gas Safe engineer entry to the Property before that date.
4. The Landlords' written submissions to the Committee advised that they had Edzell Property Management of 1008, Pollokshaws Road, Glasgow G41 2HG no longer acted on their behalf,

that they intended to re-let the Property and that they intended to comply with the RSEO but had been unable to gain access.

5. The Committee had regard to the written representations and took the view that the works required were a matter of health and safety to future occupants. The Committee accepted that the Landlords intended to comply with the RSEO and accepted that access had been an issue. As the Tenants were vacating the Property, the Committee determined to vary the RSEO timescale to allow the Landlords further time to comply.
6. This decision is 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.
8. Where such an appeal is made, the effect of the decision and of any repairing standards enforcement 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 any repairing standards enforcement order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed

K Moore

Karen Moore, Chairperson

Date 25 July 2016