



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/IV24/124/10

Sasine Description: ALL and WHOLE Easter Fearn Farm Cottage, Ardgay, Sutherland, IV24 3DL being part and portion of the Estate of Mid Fearn being the subjects more particularly described in and disposed by Disposition by Sir John Westin Brooke in favour of Charles Westin Brooke recorded in the Division of the General Register of Sasines for the County of Ross & Cromarty on 18th May 1979. ("the Property")

The Parties:-

CHARLES WESTON BROOKE residing at Mid Fearn Lodge, Ardgay, Sutherland, IV24 3DL ("the Landlord")

MS ROMINA McNEIL residing at Easter Fearn Farm Cottage, Ardgay, Sutherland, IV24 3DL (represented by Ms Alison MacRury, Ross & Cromarty Citizens Advice Bureau, 4 Novar Road, Alness, IV17 0QG) ("the Tenant")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 16 December 2010 and as subsequently varied has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property 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 type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 28 September 2012 before this witness:-

L Johnston

_____ witness

E Miller

_____ Chairman

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



**Statement of decision of the Private Rented Housing
Committee under the Housing
(Scotland) Act 2006**

prhp Ref: PRHP/IV24/124/10

Re: Property at Easter Fearn Farm Cottage, Ardgay, Sutherland,
IV24 3DL ("the Property")

The Parties:-

MS ROMINA McNEIL residing at Easter Fearn Farm Cottage, Ardgay, Sutherland, IV24 3DL (represented by Ms Alison MacRury, Ross & Cromarty Citizens Advice Bureau, 4 Novar Road, Alness, IV17 0QG) ("the Tenant")

CHARLES WESTON BROOKE residing at Mid Fearn Lodge, Ardgay, Sutherland, IV24 3DL ("the Landlord")

Decision

The Private Rented Housing Committee, having made such enquiries as was fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspections of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO and revoke the Rent Relief Order over the Property.

Background

1. By way of a Decision dated 16 December 2010 The Private Rented Housing Committee had issued a determination that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 16 December 2010. The RSEO required the Landlord:-
 - (a) To repair the connection between the stove and flue in the downstairs spare room of the Property and thereafter to carry out such other works as are necessary to allow the Landlord to produce a report from a reputable heating engineer confirming that the stove is in proper working order and capable of being used safely by the Tenant.
 - (b) To have the said heating engineer confirm whether or not an electrical pump requires to be added to the back boiler in the main living room of the Property to ensure it is in proper working order and, if so required by the recommendation of the said heating engineer, to install an appropriate standard and type of pump.
 - (c) To remedy any defects to the electrical system within the Property sufficient to allow the issue of a domestic installation periodic inspection report from a suitably qualified electrician confirming that the system is in satisfactory condition.
 - (d) To seal the gaps within the flagstones in the Property with an appropriate sealant.
3. Subsequent to the issuing of the RSEO, an extension was granted to the Landlord to allow him a further period in which to carry out the works specified in the RSEO. The bulk

of the works had been completed as required but the Committee were not satisfied that the heating system installed by the Landlord in the main living room of the Property was in proper working order and met the required standard. A report was obtained from T&T Fire Installation which set out the required works. The Landlord failed to carry out these works within the prescribed timescale of the variation and, as a result, a Rent Relief Order was served on the Landlord on 22 September 2011.

Subsequent to this the Landlord carried out further works and a Surveyor Member of the Committee attended at the Property on 22 March 2012 to ascertain whether the Landlord's further works had been carried out properly and whether the heating system now met the repairing standard. The specialist heating engineer accompanying the Surveyor Member advised that the works required had not been carried out and the system was potentially dangerous.

Subsequent to this a further re-inspection was carried out at the Property on 24 September 2012. Mr Colin Hepburn, the original Surveyor Member of the Committee was present along with the specialist heating engineer from Charles Stewart & Sons, Golspie. The Tenant was present as was the Landlord and his engineer, Mr Cummings. The Tenant confirmed at the meeting that she was happy with the system and that it was in working properly so far as she was aware. The specialist heating engineer confirmed that the additional works that had now been carried out meant the system had been installed to the correct standard and was in proper working order.

The Committee considered the report of the Surveyor Member and the Specialist Heating Engineer from 24 September 2012. It appeared that the Landlord had now carried out the works to an appropriate standard. The Tenant had confirmed that she was happy with the system and that it was working properly and she knew how to use it. The Committee therefore decided they were content for the RSEO to be lifted as the Property now met the repairing standard. The Committee accordingly decided to issue a Certificate of Completion discharging the RSEO under Section 60 of the Act. In light of the decision to discharge the RSEO, the Committee also resolved that a notice of decision to revoke the Rent Relief Order should be issued.

Decision

4. The Decision of the Committee was unanimous.

Right of Appeal

5. 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

6. 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.

Signed **E Miller** Date 28/9/12
Chairperson