

CERTIFICATE OF COMPLETION OF WORK

Issued by the Private Rented Housing Committee

Under Section 60 of The Housing (Scotland) Act 2006

PRHP Reference: PRHP/G33/126/10

Re:- Property at 75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the property")

Land Register Title Number:- **GLA47879**

The Parties:-

Mr Ian Allan residing at 75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the tenant")

And

Mr Stephen McCullagh, residing at 105 Gartcraig Road, Glasgow, G33 2RY ("the landlord")

The Committee comprised:-

Mr James Bauld - Chairperson

Mr Michael Links - Surveyor member

Mr Tom Keenan - Housing member

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property at 75 Loretto Street, Carntyne, Glasgow G33 3BX dated 16 February 2011 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property has been discharged.

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.

Signed **J Bauld**
James Bauld, Chairperson

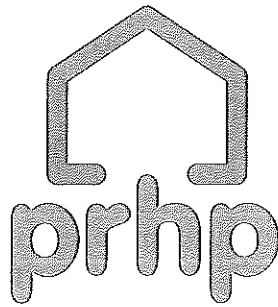
Date **18 May 2012**

Signature of Witness **G Williams**

Date **18/5/12**

Name, address and occupation of the witness (please print):-

GILLIAN WILLIAMS, 7 WEST GEORGE STREET, GLASGOW, G2 1BA.
DESIGNATION: SENIOR COURT ADMINISTRATOR.



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF DECISION OF PRIVATE RENTED HOUSING COMMITTEE (Hereinafter referred to as "the Committee")

Under Section 24 (1) of the Housing (Scotland) Act 2006

Case Ref Number: PRHP/G33/126/10

In connection with the property at

75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the Property"),

Land Register Title Number GLA47879

The Parties

Mr Ian Allan residing at 75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the Tenant").

And

Mr Stephen McCullagh, residing at 105 Gartcraig Road, Glasgow, G33 2RY ("the Landlord").

The Committee comprised:-

- Mr James Bauld - Chairperson
- Mr Michael Links - Surveyor member
- Mr Tom Keenan - Housing member

Background

1. On 16th February 2011 the Committee issued a determination which decided that the Landlord had failed to comply with the duties imposed by Section 14 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the property.
2. The RSEO made by the Committee required the Landlord to carry out such works as were necessary to:-
 - To carry out an inspection of all gas fittings and appliances within the property in accordance with the terms of the Gas Safety (Installation and Use) Regulations 1998 and to produce appropriate certification in terms of said Regulations.
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within the period of 28 days from the date of the Order. The RSEO was effectively served on the Landlord.
4. On 29th March 2011 a further inspection of the property was carried out to ascertain whether the repairs required by the RSEO had been completed.

5. During the inspection of the property, it was apparent that the works required had not been completed. A re-inspection report was prepared by the surveyor member of the Committee Mr Michael Links.
6. A copy of that re-inspection report was then sent to both the Landlord and Tenant. Each of the parties replied to the PRHP offices. There was a clear dispute in the responses between the parties and it was decided to hold a further hearing.
7. A further hearing accordingly took place on 15th June 2011. Both the Landlord and the Tenant were in attendance at the hearing.
8. At the hearing it was agreed that the necessary works to carry out the Gas Safety Check had not been completed. Each party blamed the other for this failure. Both parties however agreed that they would now co-operate with each other and that the Tenant would liaise with the Landlord to allow access to the appropriate engineer to allow the works to be carried out. Both parties were happy that the RSEO should simply be varied and further time should be allowed for these works to be carried out.
9. On 14th July 2011, the Committee issued a further determination indicating that the RSEO should be varied to allow a further period of time to the Landlord to comply with the terms of the original RSEO and the Committee proceeded to issue a variation.
10. Subsequent to the issue of that variation, the Landlord remitted to the PRHP office a copy of a Gas Safety Certificate dated 3rd August 2011.
11. On 16th December 2011, a further inspection of the property was carried out to ascertain whether the repairs required by the RSEO had been completed. During the inspection of the property on 16th December it was noted that the Tenant was complaining of further repairs problems.

12. An inspection report in respect of the inspection in December was prepared and remitted to both parties. Said report noted that a gas safety certificate had been remitted to the PRHP offices.
13. On or around 28th March 2012, the PRHP received correspondence from the Tenant in which he indicated a complaint regarding a different repairs problem to the property.

Determination and Reasons

14. The Committee considered all the evidence which had been presented in terms of the re-inspection reports, the Gas Safety Certificate and correspondence from the parties.
15. The Committee were satisfied that the works required in terms of the original RSEO had been completed namely that a Gas safety Certificate had been produced.

Decision

16. The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by both the Tenant and the Landlord and taking account of all the evidence obtained during the re-inspections of the property now determined that the landlord has fully complied with the RSEO in terms of Section 26(1) of the Housing (Scotland) Act 2006 and thereby determined that a Certificate of Completion should be issued in respect of said Order
17. The decision of the Committee was unanimous.


Rights of Appeal

18. A Landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
19. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

20. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
21. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

J Bauld

Signed


Date 18 May 2012.

James Bauld, Chairperson

G Williams

Signature of Witness.....


Date.....18/5/12.....

Name: GILLIAN WILLIAMS

Address: 7 West George Street, Glasgow, G2 1BA

Designation: SENIOR COURT ADMINISTRATOR.