



## 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/13/0184

Re: Property at 84 Castle Terrace, Winchburgh, West Lothian EH52 6RH ("the Property")

Title No: WLN895

The Parties:-

David Docherty, residing sometime at 84 Castle Terrace, Winchburgh, West Lothian EH52 6RH ("the Tenant"); and

Nicola Margaret Brown, residing sometime at 71/1 Whitson Road, Edinburgh, thereafter at 76a Dundas Street, Edinburgh and now at 5425 Peach Tree Drive, Cambridge MD 21613, United States of America and Kimberly Dawn Baumgartner, residing sometime at 71/1 Whitson Road, Edinburgh and thereafter at 76a Dundas Street, Edinburgh ("the Landlord")

### 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 29 May 2014 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 typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 9 November 2014 before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

Valerie Clark witness

George Clark chairman



## Statement of decision of the Private Rented Housing Committee under Section 60 (5) of the Housing (Scotland) Act 2006

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### The Parties:-

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Nicola Margaret Brown, residing sometime at 71/1 Whitson Road, Edinburgh, thereafter at 76a Dundas Street, there and now at 5425 Peach Tree Drive, Cambridge MD, 21613, United States of America and Kimberly Dawn Baumgartner, sometime residing at 71/1 Whitson Road, Edinburgh and thereafter at 76a Dundas Street, there ("the Landlord")

### Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has completed the work required by the Repairing Standard Enforcement Order in respect of the Property made on 29 May 2014, determined that the Landlord had completed the work and that a Certificate to that effect should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006 and that the Order should be discharged.

### Background

1. By application dated 1 December 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether 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 application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
  - (a) the house is wind and water tight and otherwise fit for human habitation, and
  - (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
3. By letter dated 31 December 2013 the President of the Private Rented Housing panel intimated a decision to refer the application under Section 22(1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant.
5. Following service of the Notice of Referral the Tenant made no further written representation to the Committee other than the original application dated 1 December 2013. The Landlord (by letter dated 14 January 2014), made written representations to the Committee.

6. The Private Rented Housing Committee inspected the Property on the morning of 14 March 2014. The Tenant and the Landlord were not present and the Committee was not able to gain access to the Property to carry out the inspection.
7. Following the attempted inspection of the Property the Private Rented Housing Committee held a hearing at Kirkliston Community Centre, 16-18 Queensferry Road, Kirkliston. Neither the Tenant nor the Landlord was present or represented at the hearing. The Committee noted that it appeared that the Tenant might have been vacated the Property. The Committee had, however, no evidence before it as to whether the tenancy had been lawfully terminated and whether, therefore, the application could be regarded as having been withdrawn in terms of Schedule 2 paragraph 7(1) of the Act. In addition, however, the view of the Committee was that the nature of the defects alleged in the application, if substantiated, would raise significant health/safety issues for occupants. The Committee decided, for these reasons, to continue the consideration of the application to a later date and the Parties were so advised.
8. The Private Rented Housing Committee inspected the Property on the morning of 29 May 2014 and was admitted to the Property by a friend of the Landlord. Neither the Tenant nor the Landlord was present or represented at the inspection or the subsequent hearing. The Committee comprised George Clark (chairman), Ian Murning (surveyor member) and Helen Barclay (housing member). Iain Maclean attended as Clerk to the Committee. Following the inspection, the Committee held a hearing at Strathbrook Partnership Centre, Broxburn. Neither the Landlord nor the Tenant was present or represented at the hearing.
9. Following upon the inspection and hearing, The Committee issued a Repairing Standard Enforcement Order in respect of the Property, requiring the Landlord to obtain from a competent building contractor a report on the security of the remainder of the ceiling plaster in the downstairs front bedroom of the Property and thereafter to carry out such works as are necessary to make good the affected area and, if necessary, replace the plaster coating on the Artex.
10. The surveyor member of the Committee re-inspected the Property on 10 September 2014 and reported to the Committee that all but a small area of the ceiling in the downstairs front bedroom had been re-plastered and that all of the work required by the Repairing Standard Enforcement Order had been carried out to a satisfactory standard, so far as could be determined by a visual inspection.
11. The Committee, therefore, determined to issue a Certificate certifying that the work required by the Repairing Standard Enforcement Order had been completed and that the Order should be discharged..
12. The decision of the Committee was unanimous.

### **Right of Appeal**

13. **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**

14. 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..... **George Clark** ..... Chairperson ..... 9/10/2014 .....