



Certificate of (1) Completion of work under section 60 of the Housing (Scotland) Act 2006 and (2) Revocation under section 25 of the Housing (Scotland) Act 2006

Issued by the Private Rented Housing Committee

Re : 30 Templeton Crescent, Prestwick, KA9 1JA being the subjects described in the disposition by Lillas Anne Hunter Martin in favour of John Menzies recorded in the Division of the General Register of Sasines for the County of Ayr on 30th August 1988 ('the Property')

The Parties:-

Anne Frances O'Connor ('The Tenant')

John Menzies, 20 Bellevue Road, Prestwick, KA9 1NN per J C Roxburgh Properties Limited ('The Landlord')

CERTIFICATE OF COMPLETION AND REVOCATION

The Private Rented Housing Committee hereby certifies:-

Paragraphs (1) and (2) of the said **Repairing Standard Enforcement Order** relative to the Property dated 23rd February 2011 which required the Landlord to (1) Produce a current gas safety record for all gas appliances in the Property namely the cooker, the gas fire and the central heating boiler confirming that the appliances pass and (2) Instal a hardwired mains operated smoke alarm have been **Completed** and

(2) Paragraph (3) of the **Repairing Standard Enforcement Order** relative to the Property dated 23rd February 2011, which stated that the Landlord should repair the garden hut to render it wind and water tight is **Revoked** and

(3) Paragraph (4) of the **Repairing Standard Enforcement Order** relative to the Property dated 23rd February 2011, which stated that the Landlord should repair and make safe the boundary wall in the garden to render it in a reasonable state of repair and proper working order has been **Completed**.

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.

Signed..... **J Taylor** Date 7th October 2011

Chairperson

K Byrne :..... Witness

Keirsten Byrne

65 High Street, Irvine, KA12 0AL



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

Statement relative to Certificate of Completion, Revocation and Variation of work issued by the Private Rented Housing Committee under sections 25 and 60 of the Housing (Scotland) Act 2006

Background

1. On 23rd February 2011 the Private Rented Housing Committee ('the Committee') 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'). 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:-
 - (1) Produce a current gas safety record for all gas appliances in the Property namely the cooker, the gas fire and the central heating boiler confirming that the appliances pass.
 - (2) Instal a hardwired mains operated smoke alarm.
 - (3) Repair the garden hut to render it wind and water tight.
 - (4) Repair and make safe the boundary wall in the garden to render it in a reasonable state of repair and proper working order.
3. On 6th June 2011 the surveyor member of the Private Rented Housing Committee inspected the Property and found that a hardwired mains operated smoke alarm had been installed. At the inspection the Landlord's agent:-
 - 3.1 Exhibited a valid gas safety certificate and advised that the new gas safety certificate would be available after 24th June 2011.
 - 3.2 The prospective new tenant of the Property did not wish the garden hut to be either repaired or removed and it was being excluded from the subjects of lease and the prospective new tenant would sign a waiver accepting it in its present condition.
 - 3.3 That the Landlord is negotiating with his insurance company regarding the repairs required to be carried out to the boundary wall in the garden.Thereafter the PRHP wrote to the Landlord's agent asking that he exhibit the signed waiver by the prospective new tenant. They also asked that he advise the Committee of the date by which the repairs to the boundary wall will have been completed.
4. On 25th July 2011 the Housing member of the Committee met with the Landlord's agent who produced to him the signed waiver by the prospective new tenant.
5. On 26th July the landlord's agent applied to the PRHP for an extension to paragraph (4) of the RSEO.
6. Thereafter the Committee agreed that :
 - (a) A valid Gas safety Certificate had been produced and the hardwired mains operated smoke alarm had been installed and therefore paragraphs (1) and (2) of the RSEO had been completed and the appropriate Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 should be issued.
 - (b) The prospective new tenant had signed a waiver accepting the present condition of the garden hut and as the garden hut was being excluded from the subjects of lease the Committee agreed to revoke paragraph (3) of the RSEO and the appropriate Certificate of Revocation in terms of Section 25 of the Housing (Scotland) Act 2006 should be issued.
 - (c) In view of the Landlord's ongoing negotiations with his insurance company it was reasonable to grant him a time extension to complete the repairs to the boundary wall and an extension to 30th September 2011 was appropriate and the appropriate

Certificate of Variation in terms of Section 25 of the Housing (Scotland) Act 2006 should be issued.

7. On 6th October 2011 the surveyor member of the Committee re-inspected the Property and found that the full length of the rear brick boundary wall had been removed and replaced with a new vertical slatted timber fence. The garden level at the fence had been reduced to match the external adjacent common ground.
8. Thereafter the Committee agreed that the works required by paragraph (4) of the RSEO had been completed and the appropriate Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 should be issued.

Right of Appeal

9. **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

10. 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.

J Taylor

Signed Date 7th October 2011
Chairperson