



**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/16/0101**

**Re : Property at 24 Rose Street, Lesmahagow, ML11 0HT ("the Property")**

**Title Number: LAN 194656**

**The Parties:-**

**Ms Victoria Forrest, Hoodshill Farm, Lesmahagow, ML11 9PG: Ms Victoria Forrest c/o Countrylet Ltd, 33 Abbeygreen, Lesmahagow, ML11 0EQ ("the Landlord")**

**Mrs Margaret McConnell ("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 17 June 2016 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 page are executed by Josephine Bonnar, solicitor, Chairperson of the Private Rented Housing Committee at Motherwell on 6 September 2016 before this witness:-

**G Bonnar**

**Witness**

**J Bonnar**

**Chairperson**

**Gerard Bonnar**

**Name in full**

**58 Port Dundas Road**

**Address**

**Glasgow**

**Solicitor**

**Occupation**



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

**PRHP Ref: RP/16/0101**

**Re: Property at 24 Rose Street, Lesmahagow, ML11 0HT (“the Property”)**

**Title No: LAN 194656**

**The Parties:-**

**Mrs Margaret McConnell (“the Tenant”)**

**Ms Victoria Forrest, Hoodshill Farm, Lesmahagow, ML11 9PG; C/O  
Countrylet Ltd, 33 Abbeygreen, Lesmahagow, ML11 0EQ (“the Landlord”)**

**Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order made on 17 June 2016 determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.**

**The Committee comprised:-**

**Mrs Josephine Bonnar, Chairperson**

**Mr David Godfrey, Surveyor Member**

**Background**

1. By application received on 16 March 2016 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:- the house is wind and watertight and in all other respects reasonably fit for human habitation; and, any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order. Specifically the Tenant complained that the shower controls were hanging off the wall, the shower cubicle seals were falling apart, the floor tiles in front of the shower were broken, the window seals were missing leading to water inside the glazing units of the windows, and water damage in the bathroom and kitchen.

3. 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 on 22 April 2016.
4. Following service of the Notice of Referral neither the Landlord nor the Tenant made written representations to the Committee. Both confirmed that they would attend the hearing.
5. The Private Rented Housing Committee inspected the Property on the morning of 2 June 2016. The Tenant and her daughter Brenda Adam were present during the inspection. Neither the Landlord nor the Letting Agent were present.
6. Following the inspection of the property the Private Rented Housing Committee held a hearing at Lesmahagow and District Resource Centre. The Tenant, her daughter Brenda Adam, the Landlord and the Letting Agent Jeanette Harrison were present. The Tenant and the Letting Agent gave evidence.
7. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order in respect of the property. The Order required the Landlord to (1) To instruct a suitably qualified window contractor to inspect the windows to establish the cause of the condensation and draughts and carry out such repairs as are recommended to rectify same, (2) To replace the damaged floor tiles or fit linoleum in the shower room, (3) To re-plaster and paint the ceiling in the bathroom. The Landlord was required to complete the work within four weeks of service of the Notice.
8. The Surveyor member re-inspected the property on 10 August 2016. The Tenant was in attendance at the re-inspection. The landlord was not present or represented at the re-inspection.
9. The Surveyor member reported to the Committee that the works required in terms of part 2 and 3 of the Order had been completed. In terms of Part 1 the double glazed sealed window units in the bedrooms have been replaced. The other windows are unchanged. In addition the Landlord has re-decorated the kitchen ceiling and new smoke detectors have been installed in the hall, lounge and bedrooms. A heat detector has been installed in the kitchen.
10. Prior to the re-inspection the Tenant submitted written representations. She confirmed that she agreed that the works contained within the RSEO had been completed but stated that some agreed repairs had not been carried out. The Re-Inspection report was issued to the parties. The Tenant made no further representations. The landlord made written representations and provided a report from Clyde Windows and Construction Ltd. The representations and report confirmed that in addition to two

replacement double glazed units in the bedrooms the Contractor had carried out an adjustment to all three window sashes in the living room which should help to exclude draughts.

### **Reason for decision**

11. The Committee considered the re-inspection report and the representations from the parties. At the initial inspection the windows at the property, specifically in the bedrooms were noted to have water marks between the glass panes indicative of some condensation. The bedroom glazing units have been replaced. The living room units have been inspected and adjusted. The report from the contractor confirms that the adjustment should exclude draughts. The other work required by the RSEO has been completed. The Committee is satisfied that the works required by the RSEO have been carried out.

### **Decision**

12. The Committee accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order and that a Certificate of Completion to that effect should be issued.

13. The decision of the Committee was unanimous

### **Right of Appeal**

**14. 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**

15. 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.... **J Bonnar** .....Date...6 September 2016  
Josephine Bonnar, Chairperson



## PRHP Re-inspection report

**Property: 24 ROSE STREET, LESMAHAGOW, LANARK, ML11 9PG**



**Ref no:** PRHP/RP/16/0101

**Surveyor:** David Godfrey

**Inspection:** The property was inspected at 10.00 am Wednesday 10th August 2016.

**Access:** The Tenant, Mrs Margaret McConnell was present and provided access to the property.

The Landlord, Ms Victoria Forrest was neither present nor represented.

### **Repairing Standard Enforcement Order:**

*The Private Rented Housing Committee now requires the Landlord to carry out such work as are necessary for the purposes of ensuring that the property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.*

*In particular the Private Rented Housing Committee requires the landlord:-*

- 1. To instruct a suitably qualified window contractor to inspect the windows to establish the cause of the condensation and draughts and carry out such repairs as are recommended to rectify same, ,*
- 2. To replace the damaged floor tiles or fit linoleum in the shower room.*
- 3. To re-plaster and paint the ceiling in the bathroom.*

*The Private Rented Housing Committee orders that the works specified in this Order must be carried out and completed within the period of four weeks from the date of service of this Notice.*

**Works in Repairing Standard Enforcement Order completed since original inspection:**

1. The double glazed sealed window unit in Bedroom 1 has been replaced.



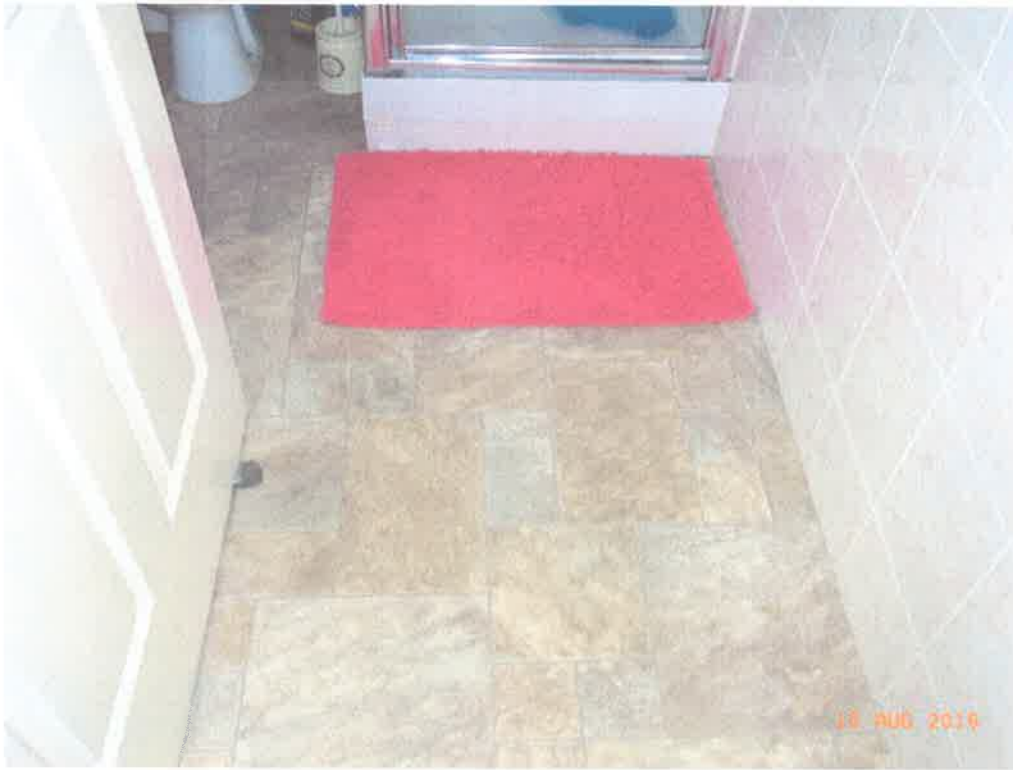
Bedroom 1 window

2. The double glazed sealed window unit in Bedroom 2 has been replaced.



Bedroom 2 window

3. Linoleum has been fitted over the floor tiles in the Shower Room. The floor is level and there are no signs of movement.



Shower Room floor covering

4. The Bathroom ceiling has been re-plastered where necessary and redecorated.



Bathroom ceiling



**Works in Repairing Standard Enforcement Order outstanding following re-inspection:**

1. Repairs have been carried out to both Bedroom windows however the remainder of the windows remain unchanged.

**General Remarks**

1. Although not required as part of the Repairing Standard Enforcement Order, the Kitchen ceiling has been redecorated.

2. New smoke detectors have been installed in the Hall, Lounge and both Bedrooms. Additionally, a heat detector has been installed in the Kitchen.



**Bedroom 1 smoke detector**

**David Godfrey, MRICS**

**10th August 2016**