



**Certificate of Completion of Work
Issued by the Private Rented Housing Committee
Under section 60 of the Housing (Scotland) Act 2006**

PRHP/EH5/47/13

Title Number: MID112735

Re: The residential dwellinghouse at

**Flat 3/11 Heron Place,
Edinburgh
EH5 1GG
("the Property")**

The Parties:-

**Ms Kristin Mark
("the Tenant")**

and

**Mr Michael John Carlin and Ms Bernadette Whyte
C/O Merchant Lettings
23c Dundas Street
Edinburgh
EH3 6QQ
("the Landlords")**

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Ian Mowatt – Surveyor Member
Ms Helen Barclay – Housing Member**

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 20 November 2013 relative to the Property has been completed. Accordingly the RSEO has been discharged.

A Landlord(s) or Tenant(s) 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 these pages are subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 29 March 2015 before this witness:-

J. Handley Witness **R. Handley** Chairperson

JANE HANDLEY Name in full

COLLEGE MANAGER Occupation

LESLIE WONG

DUNBAR

BRIDGE 161 address



Decision by the Private Rented Housing Committee

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

PRHP/EH5/47/13

Title Number: MID112735

Re: The residential dwellinghouse at

**Flat 3/11 Heron Place,
Edinburgh
EH5 1GG
("the Property")**

The Parties:-

**Ms Kristin Mark
("the Tenant")**

and

**Mr Michael John Carlin and Ms Bernadette Whyte
C/O Merchant Lettings
23c Dundas Street
Edinburgh
EH3 6QQ
("the Landlords")**

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Ian Mowatt – Surveyor Member
Ms Helen Barclay – Housing Member**

The Committee's Decision

The Committee, having made such enquiries as it saw fit unanimously determined that the Landlords had complied with the requirements of the Repairing Standard Enforcement Order dated 20 November 2013 ("the RSEO") and the Committee now discharges the RSEO.

The Background

1. On 7 March 2013 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
2. Following receipt of the application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.

The Application

3. In her application the Tenant submitted that the Landlords had failed to comply with their duty to ensure that the Property met the Repairing Standard (as defined in the Act). It was suggested that the Landlords had failed to ensure that:-
 - the Property was wind and water tight and in all respects reasonably fit for human habitation;
 - the structure and exterior of the Property (including the drains, gutters and external pipes) were in a reasonable state of repair and in proper working order;
 - the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were in a reasonable state of repair and in proper working order;
 - any furniture provided by the Landlords under the tenancy were capable of being used safely for the purpose for which they were designed.
4. In particular the Tenant submitted in her application form that:
 - the Property was not watertight – water leaked through the ceiling when it rained and there was a pipe which constantly leaked in her daughter's wardrobe;
 - there were bulging patches of plaster on the ceilings where there had been water ingress. There were damp patches in the walls and in the wardrobes;
 - the living room lights were not working and there were loose electrical cables in a bedroom.

The Inspection

5. The Committee inspected the Property on 4 November 2013 at 11.00am. The Tenant was present with her representative Ms L Murray and Mr G Wright attended on behalf of the Landlords. A Hearing was arranged for 12.00pm in Royston Wardieburn Community Centre, 11 Pilton Drive North, Edinburgh.

Findings

6. The Committee found the following facts to be established:
 - The Property is a two bedroomed flat in a block of flats built around 2005.
 - There was dampness in the wardrobe of the front facing bedroom. This dampness appeared to have been caused by a leaking pipe within the wardrobe.
 - There was water ingress in various places throughout the Property as evidenced by damp patches in the ceiling and in the walls.
 - The lights in the living room were in proper working order.
 - There were no loose electrical cables in the bedroom or anywhere else within the Property.
 - The Property was not wind and watertight and does not meet the standard set out in section 13(1)(a) of the Act.

Decision

7. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act. The Committee proceeded to make an RSEO as required by section 24(1) of the Act. The decision of the Committee was unanimous.

The RSEO

8. The RSEO required the Landlords to:
 - (a) Carry out such works as are necessary to eradicate the dampness within the property to ensure that it is reasonably fit for human habitation.
 - (b) Make good any damage resulting from the remedial works carried out in accordance with this RSEO.

The Re-inspection

9. On 11th March 2015 at 10.30am the surveyor member of the Committee carried out a re-inspection of the property. The Landlord (Mr Michael Carlin) was present but no other parties attended the re-inspection. The Committee were advised that the tenancy had been terminated on or about 1 May 2014. The Property was unoccupied at the time of the re-inspection.
10. The weather conditions were dry, calm and overcast.

Works in RSEO undertaken:

11. From an internal inspection, the property appeared to be watertight and no indication of continuing dampness was noted from readings taken with an electronic moisture meter. Associated plasterwork repairs had also been undertaken to walls and ceilings.
12. During the original inspection on 4 November 2013, further dampness was also present in the fitted wardrobe of the tenant's daughter's bedroom. The surveyor noted during the re-inspection, that a previously leaking water pipe has been repaired and this area now appeared to be dry.
13. Following consideration of the re-inspection report the Committee unanimously decided that the RSEO should be discharged.

Right of Appeal

14. A Landlord(s) or Tenant(s) aggrieved by the decision of a PRHP 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. 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 **R. Handley** Date 29 March 2015