



**Statement of the Decision of the Private Rented Housing Committee
under the Housing (Scotland) Act 2006**

**Re : Property at Blackhills Farmhouse, Moyness Road, Auldearn,
IV12 5JZ ("the Property")**

The Parties:-

**MR ALAN HARFIELD residing at Blackhills Farmhouse, Moyness Road,
Auldearn, IV12 5JZ ("the Tenant")**

**THE TRUSTEES for the CAWDOR MAINTENANCE TRUST c/o Messrs
Bowlts, Chartered Surveyors, Barnhill, Pluscarden, by Elgin, IV30 8TZ
(represented by their agent Alistair Davidson Esq of the said Messrs
Bowlts Chartered Surveyors ("the Landlords"))**

BACKGROUND

1. On 6th April 2009, a determination of the Committee was made to the effect that the Landlords had failed to comply with the repairing standard as set out in the Housing (Scotland) Act 2006. A Repairing Standard Enforcement Order ("RSEO") of the same date was served upon the Property. Further variations to the RSEO were made on 15th September 2009 and 26th January 2010.
2. After the said variations the works remaining under the RSEO against the Property was that "the windows at the Property required further repair works or replacement to render them wind and watertight and in all respects reasonably fit for human habitation and in particular to ensure that they opened and closed properly and without the use of excessive force in doing so and the at the level of air ingress to the Property between the windows and the window frames was reduced where appropriate".
3. A further inspection was carried out in the Property on 18th March 2010. The Committee in its subsequent decision of 26th March 2010 had determined that the Property still did not comply with the RSEO. The Committee then issued a Rent Relief Order dated 26th March 2010 against the Property reducing the rent payable under the tenancy of the Property by the Tenant by an amount of 40%.

4. The decision of 26th March 2010 by the Committee had been appealed by the Landlord and subsequently sisted. In the intervening period, the Landlord had decided to replace all the windows within the Property with modern doubleglazed units. The Landlords had indicated to the Committee that these works had been carried out. The Tenant had confirmed that these works had been carried out and that he was satisfied with these.
5. On 8th December 2010 the Committee comprising Mr E K Miller, Chairman and Legal Member; and Mr C Hepburn, Surveyor Member carried out a further inspection of the Property for the purposes of ascertaining whether the outstanding issues in the RSEO had been dealt with. Due to inclement weather conditions the Tenant had been unable to make it back to the Property but the Committee were met by the Landlords' agent Mr Davidson. The Tenant had confirmed that he would have no objection to an external inspection being carried. The Landlords' agent also had no objection to this. The Committee therefore inspected the exterior of the Property. It was apparent that all the windows had been replaced by modern double glazed units. From the external inspection these appeared to have been properly installed and to have rendered the Property wind and watertight.

DETERMINATION AND REASONS

6. The Committee considered the evidence they obtained at the inspection. The Committee were satisfied that the windows had been properly installed and that the outstanding terms of the RSEO had now been met. On that basis, the Committee were satisfied that a Completion Certificate should be issued in respect of the RSEO and that a Notice of Decision to Revoke the Rent Relief Order should also be issued.

DECISION

7. The Committee having made such enquiries as was fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order in relation to the Property concerned, and taking account of the evidence obtained at the inspection of 8th December 2010, the Committee determined that the RSEO had been complied with and a Certificate of Completion should now be issued.
8. The Committee, in light of its decision to issue a Certificate of Completion in respect of the RSEO also resolved to revoke the Rent Relief Order that it had previously placed on the Property.

9. The Decision of the Committee was unanimous.

RIGHT OF APPEAL

10. 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

11. 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.

E Miller

Signed Date..... 12/1/2011
Chairperson



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/IV2/5/09

Re : Property at Blackhills Farmhouse, Moyness Road, Auldearn, IV12 5JZ ("the Property")

Sasine Description: ALL and WHOLE that plot or area of ground together with the buildings erected thereon known as and forming Blackhills Farmhouse, Moyness Road, Auldearn which subjects hereby described form part and portion of ALL and WHOLE those larger subjects described in Disposition in favour of Hugh John Vaughan Earl of Cawdor and others as Trustees of the Cawdor Maintenance Trust and recorded in the Division of the General Register of Sasines for the County of Nairn on Eighth July Nineteen Hundred and Eighty Six

The Parties:-

THE TRUSTEES for the CAWDOR MAINTENANCE TRUST c/o Messrs Bowlts Chartered Surveyors, Barnhill Pluscarden, by Elgin, IV30 8TZ (represented by their agent Alistair Davidson Esq of the said Messrs Bowlts Chartered Surveyors ("the Landlords"))

MR ALAN HARFIELD residing at Blackhills Farmhouse, Moyness Road, Auldearn, IV12 5JZ ("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 6th April 2009 as subsequently varied 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 and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee Chairperson of the Private Rented Housing Committee at Dundee on 11 January 2011

before this witness:-

L Johnston

_____ witness

E Miller

_____ Chairman

LINDSAY JOHNSTON
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Dundee
DD1 4BJ
Legal Secretary