



## Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/DD10/68/12

Re : Property at 34 Wharf Street, Montrose, DD10 8PD ("the Property")

Title No: ALL and WHOLE that ground floor flatted dwellinghouse known as and forming 34 Wharf Street, Montrose, DD1 8PD and being the subjects registered in the Land Register under Title Number ANG45871.

### The Parties:-

Alexandra Grace Grimes, residing at 5 Westpark Grove, Inverbervie, Montrose, (represented by her husband, Mr John Grimes) ("the Landlord")

Mr Blair Pasqua residing at 34 Wharf Street, Montrose, DD10 8PD ("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 served on 29 June 2012 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, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 9 May 2013 before this witness:-

**L Johnston**

witness

**E Miller**

Chairman

Lindsay Johnston  
Secretary  
Thorntons Law LLP  
Whitehall House  
33 Yeaman Shore  
Dundee  
DD1 4BJ



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

prhp Ref: PRHP/DD10/68/12

Re : Property at 34 Wharf Street, Montrose, DD10 8PD ("the Property")

### **The Parties:-**

Mr Blair Pasqua formerly residing at 34 Wharf Street, Montrose, DD10 8PD ("the Tenant")

Alexandra Grace Grimes, residing at 5 Westpark Grove, Inverbervie, Montrose, (represented by her husband, Mr John Grimes) ("the Landlord")

### **Decision**

The Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent reinspection by the Committee, determined that the Landlord had complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

### **Background**

1. By way of a Decision dated 29 June 2012, the Private Rented Housing Committee had 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").
2. The Committee had placed an RSEO on the Property also dated 29 June 2012. The RSEO required the Landlord to:-
  - (a) carry out such works of repair or replacement as are necessary to render the front door and surrounding frame properly wind and water tight, capable of opening and closing properly and otherwise meets the repairing standard;
  - (b) carry out such works as are necessary to render the windows at the Property properly wind and water tight, capable of opening and closing properly and otherwise meet the repairing standard;
  - (c) repair the wall between the bath and bathroom wall sufficient to meet the repairing standard and to carry out any redecoration required as a result of such works;
  - (d) repair or replace all damaged or rotten floor boards within the Property sufficient to meet the repairing standard;
  - (e) carry out such works as are required to eradicate all damp and rot within the Property. Without prejudice to the generality of the foregoing requirement, the Landlord will require to produce to the Committee a report from a reputable timber specialist guarantee company reporting on what works are required and to carry out such works as are required by said report to meet the repairing standard. The Landlord will also require to carry out such works as are necessary to the mutual

guttering and stairs leading to the upstairs flat sufficient to prevent future water penetration to the Property from that source.

3. The Surveyor Member of the Committee carried out a reinspection of the Property on Monday 26 November 2012. The Tenant was present and supported by Mr Brian Ross of Angus Council. The Landlord was not present but she was represented by her husband Mr John Grimes. The Surveyor Member noted that some works of repair had been carried out to the Property in relation to the front door and the windows there was also outstanding work in relation to the damage/rotten flooring throughout the Property and the damp and rot within the Property. No specialist report was available at the time of the inspection. The Surveyor Member noted that the Tenant was removing from the Property on or around 17 December 2012 to take up a tenancy with Angus Council. The Tenant did not wish disruptive timber/damp proofing repairs to be carried out whilst he was within the Property.
4. The Committee then discussed matters and determined that it would be appropriate to reinspect the Property with a full Committee once the Tenant had vacated and the Landlord had had an opportunity to carry out further works. Accordingly the Committee organised for a reinspection and Hearing to take place on 19 February 2013. The original members of the Committee reinspected the Property on that date. The Tenant was not present, having vacated the Property by this point. The Landlord's husband was present during the inspection. It was apparent from the Committee's reinspection of the Property that the Landlord was now proceeding with a much fuller refurbishment of the Property. Much of the bathroom had been repaired and various replastering works had taken place throughout the Property. These works were ongoing however and the Property did not yet comply with the repairing standard as a result.

A discussion was held at the Hearing as to the outstanding works. The Committee were concerned to note that they had not been provided with a timber specialist report as required by the RSEO. The Landlord advised that they had been unable to find a company prepared to provide a report. The Committee's concern was that it could not ascertain whether works had been carried out properly to the rear of the building because plasterboard walls had now been reinstated. The Landlord advised that the damp issue had caused by the vent in the shower room which had simply been vented out in to a gap between the plasterboard wall and the interior face of the rear wall of the building. It did not actually exit to the exterior of the building. This had now been rectified. The Landlord advised he had pictures of the Property during the course of these works being carried out and he would forward these to the Committee. The Committee would then determine whether they felt a specialist report was still required or not.

Subsequent to the Hearing, the Landlord, after some delay, did provide pictures showing that appropriate damp proof improvement works had been carried out to the rear of the Property. The Landlord also advised, when providing the pictures, that he anticipated completing the last of the refurbishment works in the early part of April. By the time the pictures were received and the Committee was in a position to discuss further, the Committee noted it was the start of April and the Landlord's works ought to be complete. Accordingly, the Committee, before making any further decision, preferred to have the benefit of another reinspection in order to be able to decide any further steps.

5. The Surveyor Member of the Committee carried out a further reinspection on 26 April 2013. The front door frame and threshold had been replaced and since the date of the last inspection the door and frame had been properly decorated and draught proofed.

Localised repairs had been carried out to both the living room/kitchen and bedroom window frames and sills. Although not perfect the windows were now in a serviceable condition and both sashes of each window could be opened. The top sashes were held in place by working sash cords.

The bathroom had been replastered and refitted. The kitchen had also been refitted and the rear wall repaired. The Property had been redecorated and recarpetted throughout.

The Committee discussed the results of the Surveyor's reinspection. The Committee was satisfied that the appropriate works had now been done. The Committee was satisfied from the photos provided by the Landlord that a timber specialist report was not now required.

The Committee was satisfied that the Property had undergone significant improvement and now met the repairing standard. Accordingly the Committee resolved that the RSEO would be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted.

#### **Decision**

6. The decision of the Committee was unanimous.

#### **Right of Appeal**

7. 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**

8. 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 E Miller Date 9/5/13  
Chairperson