



## Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: prhp/DD2/90/12

Re : Property at 3 Briarwood Terrace, Dundee DD2 1NX("the Property")

Title No: ANG3091

The Parties:-

Springfield Properties Group Limited, incorporated under the Companies Acts (SC305697) and having their Registered Office at c/o Accel Business Llp, Dunsinane Industrial Estate, Dundee DD2 3QB ("the Landlord")

Lee Krzyzanowski, 3 Briarwood Terrace, Dundee DD2 1NX ("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 12 July 2012 and served on 31 July 2012, as varied by Variation of Repairing Standard Enforcement Order dated 1 March 2013 and served on 13 March 2013, has been completed. Accordingly, the said **Repairing Standard Enforcement Order** relative to the property **has been discharged**. The **Rent Relief Order** in respect of the Property dated 30 April 2013 and served on 20 May 2013 is **also revoked** in terms of Section 27(4)(b) of the Housing (Scotland) Act 2006.

**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 typewritten on this page are executed by George Barrie Clark, solicitor, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 21 October 2013 before this witness:-

V Clark witness

G Clark chairman

Valerie Elizabeth Jane Clark

7 Newbattle Terrace

Edinburgh EH10 4RU



## Statement of decision of the Private Rented Housing Committee under Section 60 of the Housing (Scotland) Act 2006

prhp Ref: DD2/90/12

Re : Property at 3 Briarwood Terrace, Dundee DD2 1NX ("the Property")

### The Parties:-

Lee Krzyzanowski, 3 Briarwood Terrace, Dundee DD2 1NX ("the Tenant")

Springfield Properties Group Limited, incorporated under the Companies Acts (SC305697) and having their Registered Office at c/o Accel Business Llp, 4 Valentine Court, Dunsinane Industrial Estate, Dundee DD2 3QB ("the Landlord")

### Decision

The Committee, having made such enquiries as it saw fit, in relation to the Property, determined that the Landlord had complied with the requirements of the Repairing Standard Enforcement Order dated 12 July 2012 and served on 31 July 2012, as varied by Variation of Repairing Standard Enforcement order dated 1 March 2013 and served on 13 March 2013, and had complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006.

### Reasons for the Decision

1. By application dated 27 April 2012 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:
  - (a) the house is wind and water tight and in all other respects fit for human habitation; and
  - (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
3. By letter dated 10 May 2012 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22(1) of the Act to a Private Rented Housing Committee.
4. 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.
5. Following service of the Notice of Referral the Tenant (by letter dated 17 May 2012), made written representations to the Committee. The Landlord made no written representations to the Committee.
6. The Private Rented Housing Committee ("The Committee") inspected the Property on the morning of 12 July 2012. The Tenant was present during the inspection. The Landlord was not present or represented during the inspection. The Committee members were

George Clark (chair), Geraldine Wooley (surveyor) and John Wolstencroft (housing member).

7. Following the inspection of the Property the Committee held a hearing at Menziesshill Community Centre, Dundee and heard from the Tenant. The Landlord was not present or represented at the hearing.
8. At the conclusion of the hearing, the Committee issued a Repairing Standard Enforcement Order on 12 July 2012. The Repairing Standard Enforcement Order was served on 31 July 2012.
9. The surveyor member of the Committee re-inspected the Property on 20 November 2012. She reported that, whilst the internal condition of the Property was now good, the landlord had still to make good the bedroom wall as necessary and redecorate. None of the external works required by the Repairing Standard Enforcement Order had been carried out.
10. The Committee re-inspected the Property on the morning of 1 March 2013. The Landlord and Tenant were both present during the inspection.
11. Following the re-inspection, the Committee held a hearing at Douglas Community Centre, Dundee and heard from the Landlord and the Tenant.
12. Following the hearing, the Committee determined to issue a Variation of the Repairing Standard Enforcement Order ("the Variation"), requiring the Landlord to carry out such work as was necessary to repair the leak in the flat roof of the Property which had resulted in water ingress in the area at the top of the internal staircase, to redecorate the wall of the master bedroom adjoining the bathroom and to remove the vegetation from the rear wall of the Property. The work was to be completed within one month of the date of service on the Landlord of the Variation.
13. The Variation of the Repairing Standard Enforcement Order was served on the Landlord on 13 March 2013.
14. The surveyor member of the Committee re-inspected the Property on 30 April 2013. She reported that none of the work required by the Variation had been carried out.
15. The Committee determined on 30 April 2013 to issue a Rent Relief Order in respect of the Property. The Rent Relief Order was served on 20 May 2013.
16. On 9 October 2013, the Committee received a letter from DF Roofing, confirming the details of works they had carried out to repair the roof and to remove vegetation from the rear wall of the Property. The Committee was satisfied with the contents of that letter. A copy of the letter was sent to the Tenant on 13 October 2013, with a request that he confirm whether the redecoration referred to in the Variation of the Repairing Standard Enforcement Order had been carried out. The Tenant did not respond to that letter and the Private Rented Housing Panel were unable to contact him by telephone.
17. The Committee accordingly determined on 21 October 2013 that the Landlord had complied with the duty imposed by Section 14 (1)(b) of the Act, that the Repairing Standard Enforcement Order, dated 12 July 2012 and served on 31 July 2012, as varied by Variation of Repairing Standard Enforcement Order dated 1 March 2013 and served on 13 March 2013, should be discharged and that the Rent Relief Order dated 30 April 2013 and served on 20 May 2013 should be revoked..
18. The decision of the Committee was unanimous.

**Right of Appeal**

19. 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**

20. 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 ..... **G Clark** ..... Date 21 October 2013  
Chairperson 