



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

**prhp ref: prhp/IV24/112/09**

**Re: The residential dwellinghouse at  
Easter Fearn Farm Cottage  
Ardgay  
Sutherland  
IV24 3DL  
("the Property")**

### **The Parties:-**

**Ms Romina McNeill resident at the Property  
("the tenant")**

**and**

**Mr Charles Brooke  
Mid Fearn Lodge  
Ardgay  
Sutherland  
IV24 3DL  
("the landlord")**

### **The Committee's Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the landlord had complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, and taking account of the available evidence, the Committee unanimously determined that the landlord had complied with the requirements of the Repairing Standard Enforcement Order ("the RSEO") dated 24 March 2010 and had complied with the duty imposed by Section 14(1)(b) of the Act.**

### **The Background**

- 1. On 26 November 2009 the tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Act.**

## **The Application**

2. In her application the tenant submitted that the landlord had failed to comply with his duty to ensure that the Property met the Repairing Standard (as defined in the Act). In particular the landlord 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 and that all fixtures, fittings and appliances provided under the tenancy were in a reasonable state of repair and in proper working order. The tenant also submitted that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and in proper working order. It was suggested that the Property did not have satisfactory provision for detecting fires and for giving warning in the event of a fire or a suspected fire.
3. Following receipt of the tenant's 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.
4. The Committee served Notice of Referral on the landlord and the tenant in accordance with the terms of Schedule 2, Paragraph 1 of the Act.

## **The Inspection**

5. The Committee inspected the Property on 12 March 2010 at 10.45am. The tenant, her brother and Ms McCrury were present during the inspection as was the landlord.

## **Findings of fact**

6. The Committee found the following facts to be established:-
  - Ms Romina McNeill was the tenant of the Property which is owned by the landlord. The Property is a two storey, detached cottage with a hallway, two living rooms, two bedrooms, a kitchen and bathroom.
  - The roof of the Property is a traditional slate roof with stone ridge tiles. The Property (in common with neighbouring properties) is located in a low lying area of ground at the foot of a hill. The ground floor of the Property is at the same level as the ground around it.
  - The Property is double glazed.
  - Whilst at the time of the application there was no hot water available to the tenant in the Property, works had been carried out

to remedy this and the installation for heating water was in proper working order.

- The Property does not have a central heating system but is heated by two wood burning stoves (one in each living room). One of the wood burning stoves has recently been replaced. These stoves are in a reasonable state of repair and in proper working order.
- The landlord has provided insulation in the loft area. The insulation has been properly installed.
- The ceiling light fitting in the bathroom functions properly as does an external light.
- There are gaps/holes in the skirting boards, walls and some of the floorboards in the Property.
- The Property was built without a damp proof membrane. This is consistent with properties of this age and form of construction.
- The smoke alarms are not mains wired and are not connected to each other.

### **Decision**

7. The Committee determined that the landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act.
8. The Committee proceeded to make an RSEO as required by section 24(1) of the Act. On 2 September 2010 the Committee also made a Rent Relief Order.
9. The decision of the Committee was unanimous.

### **The Re-inspections**

10. On 7 July 2010 and 18 August 2010 the Committee re-inspected the Property and found that the works detailed in the RSEO had not been fully completed. However following a further re-inspection on 8 December 2010 the Committee unanimously agreed that the said works (detailed in the RSEO) had been fully and properly completed and agreed to discharge the RSEO and the Rent Relief Order.

### **Right of Appeal**

11. A landlord(s) or tenant 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

12. 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... 15/1/2011 .....  
Chairperson



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

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**and**

**Mr Charles Brooke  
Mid Fearn Lodge, Ardgay, Sutherland, IV24 3DL**

**("the landlord")**

**CERTIFICATE OF COMPLETION**

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 24 March 2010 relative to the Property has been completed. Accordingly, the said RSEO has been discharged. The Committee also revoked the Rent Relief Order of 2 September 2010 made in respect of the Property.

**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 is subscribed by Ronald G Handley, Solicitor, Chairperson of the Private Rented Housing Committee at Dunbar on the 15 January 2011 before this witness:-

**J Handley** \_\_\_\_\_ witness **R Handley** \_\_\_\_\_ chairperson

JOHN HANDLEY name in full

COLLEGE MANAGER occupation

23 LESLIE WAY

DUNBAR EH42 1GP address



**Notice of Revocation of Rent Relief Order**  
**By the Private Rented Housing Committee**

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**NOTICE TO THE LANDLORD**

Considering that the Private Rented Housing Committee issued a Notice under Section 60 of the Housing (Scotland) Act 2006, dated 15 January 2011 certifying that the work required by the Repairing Standard Enforcement Order dated 24 March 2010 (relative to the Property) has been completed, therefore in terms of Section 27(4)(b) of the Housing (Scotland) Act 2006 the Committee hereby revoke the Rent Relief Order dated 2 September 2010 (also relative to the Property) with effect from 15 January 2011.

In witness whereof these presents type written on this page are executed by Ronald G Handley, Solicitor, Chairperson of the Private Rented Housing Committee at Dunbar on 17 January 2011 before this witness:-

N. Handley witness M G Handley chairman

NAOMI HANDLEY name in full

23 LESLIE WAY Address

DUNBAR

TEACHER Occupation