



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/13/0104

Re: Property at 52 Castle Street, Broughty Ferry, Dundee, DD5 2EJ ("the Property")

Title No: ANG30931

The Parties:-

MR GASSAN AL-SHAIBANY residing at 21 Kirkton Terrace, Carnoustie, DD7 7BZ ("the Landlord")

MISS JOSIE GLAISYER-HALL residing at 52 Castle Street, Broughty Ferry, Dundee, DD5 2EJ ("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 21 January 2014 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 April 2015 before this witness:-


L. Johnstone

— 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

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The Parties:-

MISS JOSIE GLAISYER-HALL residing at 52 Castle Street, Broughty Ferry, Dundee, DD5 2EJ ("the Tenant")

MR GASSAN AL-SHAIBANY residing at 21 Kirkton Terrace, Carnoustie, DD7 7BZ ("the Landlord")

Decision

The Private Rented Housing 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 inspection by the Surveyor Member of the Committee, determined that the Landlord had now 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 21 January 2014, 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 21 January 2014. The RSEO required the Landlord:-
 - (a) To investigate the cause of damp penetration within the kitchen wall and to carry out such works as are necessary to eradicate the said damp and to redecorate the area to an appropriate standard.
 - (b) To carry out such works of repair or replacement to the kitchen cupboards as are necessary to render them compliant with the repairing standard.
 - (c) To carry out such works of repair or replacement to the door and the surrounding frame as are necessary to render the door and frame properly wind and watertight and otherwise compliant with the repairing standard .
 - (d) To exhibit to the Committee an Electrical Installation Condition Report carried out by a suitably qualified electrician and confirming that the electrical installations within the Property meet the required standard. The Landlord is to carry out any works necessary to allow the issue of the said Certificate.
 - (e) To install a shower curtain or other similar item to prevent water escaping from the shower on to the surrounding floor area. The Landlord is also to repair or replace any broken/damaged tiles behind the toilet within the bathroom.

- (f) To carry out any works to the gas installation within the Property sufficient to allow the Landlord to exhibit to the Committee a current Gas Safety Certificate confirming compliance with the relevant regulations.
3. A reinspection of the Property took place on 10 April 2014 by Mr D Godfrey, Surveyor Member of the original Committee. The Tenant granted access to the Property. The Landlord was neither present nor represented.

The Surveyor Member reported to the Committee that the dampness in the kitchen appeared to have been attended to. Meter readings were taken and these were found to be within acceptable tolerances. The wall had been repapered where the damp had occurred.

The Surveyor Member reported that the kitchen cupboards had been repaired.

The back door frame had been repaired and the door handle replaced, although the door still did not fit particularly well in to the frame.

A shower screen had been fitted over the bath and the wall tiles behind the toilet had been replaced.

The Landlord had produced an Electrical Report but what was asked for had been an Electrical Installation Condition Report. The report produced only covered certain works and did not cover the whole of the Property as required. In relation to the Gas Safety Certificate, one had been produced but it highlighted remedial works that were required.

There then followed correspondence between the Landlord and the Committee in which the Landlord sought to argue that he had met the requirement. The Committee were unimpressed with the attitude of the Landlord who seemed not to fully grasp that the requirement was to carry out the works set in the RSEO by the Committee without argument. The Landlord has a right of appeal if they do not agree with the decision of the Committee but the Landlord had not taken up his right to appeal, yet he still continued to argue.

In any event, and in due course, a clear Electrical Installation Condition Report was produced as well as a clear Gas Safety Certificate.

The Committee considered matters further. The Committee noted that the repair works to the kitchen units and the rear door were not of a particularly high standard. However improvement had been made and the Committee was satisfied that it was not in the public interest to pursue these particular points further. Otherwise compliance had been achieved, albeit it had taken the Landlord a significantly longer than it ought to have done. On that basis the Committee was satisfied that it was appropriate to lift the RSEO and grant a Certificate of Completion discharging the RSEO.

Decision

4. The Committee's decision was to lift the RSEO and grant a Certificate of Completion discharging the RSEO.
5. The decision of the Committee was unanimous.

Right of Appeal

6. 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

7. 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**
Chairperson

..... Date..... 10/6/2005