



**Notice of a decision to Revoke**

**A Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

Re Top Flat, 5 Castle Street, Dumfries, DG1 1DJ ('The Property')

The Parties:-

Mrs Astra Penny residing at Top Flat, 5 Castle Street, Dumfries, DG1 1DJ ('The Tenants')

J G Armstrong Holdings Limited PO Box 5, Lockerbie, DG11 1JD ('The Landlords')  
(representative Mrs Armstrong.)

Committee: Jacqui Taylor (Chairperson), Mike Links (Surveyor Member) and Ahsan Khan (Housing Member).

**NOTICE TO J G Armstrong Holdings Limited PO Box 5, Lockerbie, DG11 1JD  
(‘the Landlords’)**

The Private Rented Housing Committee having determined that the work required by the **Repairing Standard Enforcement Order** relative to the Property is no longer necessary, the said **Repairing Standard Enforcement Order** is hereby revoked with effect from the date of service of this Notice.

**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.**

Where such an appeal is made, the effect of the revocation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the revocation will be treated as having effect from the day on which the appeal is abandoned or so determined.

**Jacqueline Taylor**

Signed..... Date 16<sup>th</sup> March 2015

Chairperson  
Paula Hunter

.....witness: PAULA HUNTER, 65, High Street, Irvine



## Statement relative to the Notice of the decision to Revoke

### The Repairing Standard Enforcement Order

### Ordered by the Private Rented Housing Committee

Re Top Flat, 5 Castle Street, Dumfries, DG1 1DJ ('The Property')

Case Ref: PRHP/RP/14/0083

The Parties:-

Mrs Astra Penny residing at Top Flat, 5 Castle Street, Dumfries, DG1 1DJ ('The Tenants')

J G Armstrong Holdings Limited PO Box 5, Lockerbie, DG11 1JD ('The Landlords')  
(representative Mrs Armstrong.)

Committee: Jacqui Taylor (Chairperson), Mike Links (Surveyor Member) and Ahsan Khan (Housing Member).

#### Decision

The Committee (by majority decision, being the unanimous decision of the Sub Committee aftermentioned), having made such enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order ('RSEO') relative to the Property should be revoked in terms of Section 25 of the Housing (Scotland) Act 2006 agreed that the RSEO should be revoked.

1. The RSEO relative to the Property required the Landlords to:-  
*'Eradicate the cause of dampness in the partition between the bedroom and the kitchen and carry out necessary redecoration.'*
2. The RSEO specified that these works must be carried out and completed by 30<sup>th</sup> September 2014.
3. The Chairperson and Surveyor member of the Committee (the 'Sub Committee') inspected the Property on 21<sup>st</sup> November 2014 and found that the required works had not been completed. A hearing was held following the inspection at The Station Hotel, Dumfries. Mrs Armstrong, Mrs Penny and her son attended the hearing. Mrs Armstrong advised that she had arranged for the work to be completed on two occasions but access had been denied. Mrs Penny confirmed that she would now allow access to Mrs Armstrong's tradesmen to enable the necessary work to be carried out.
4. The Sub Committee reinspected the Property on 9<sup>th</sup> March 2015. Mrs Armstrong, her contractor Mr Mundell, Mrs Penny and her son were present at the inspection. The surveyor member of the Committee tested the bedroom side of the wall between the bedroom and the kitchen with a damp meter and found that it was dry except for an area measuring approximately two square inches which was still wet. He also tested the kitchen side of the wall and found that there was a damp section extending to approximately twelve inches square a distance of one and a half meters or so up the wall from the floor. The Sub Committee, at the request of Mrs Penny, also examined

the gable wall in the attic and noted that the wall was damp but explained that the dampness to the gable wall was not part of the RSEO.

5. A hearing was held following the inspection at The Station Hotel, Dumfries. Mrs Armstrong and her contractor Mr Mundell attended the hearing. The Tenant did not attend and was not represented. Mr Mundell explained that he carried out the repair work on 26<sup>th</sup> November 2014. He fully exposed the bedroom side of the partition wall between the kitchen and the bedroom. No work was carried out on the kitchen side of the wall as Mrs Penny did not want any disruption before Christmas. He advised that he installed a damp proof membrane to the bedroom side of the partition wall, which was screwed to the wall. The wall was then reinstated and decorated. He considered the area of dampness that has emerged to be very small.

#### **Decision**

6. The Sub Committee determined that the dampness to the bedroom side of the partition wall had been satisfactorily repaired. They considered the small area of dampness mentioned, to be de minimis. They acknowledged that the Landlords had been prevented from fully completing the dampness repairs to the kitchen side of the partition wall as the Tenant had not allowed the works to be carried out. In the circumstances they considered that the RSEO was no longer required. Therefore they determined that the RSEO would be revoked in terms of section 25(1)(b).
7. The decision of the Sub Committee was unanimous.

#### **Right of Appeal**

8. **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**

9. 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 .....  **Jacqueline Taylor** .... Date 16<sup>th</sup> March 2015  
Chairperson