



RENT RELIEF ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: EH7/224/11

PROPERTY

34/4 Beaverbank Place, Edinburgh, EH7 4ET TITLE NO MID13938

PARTIES

MISS JANINA WYRODA, residing at 34/4 Beaverbank Place, Edinburgh, EH7 4ET.

Tenant

and

MR PAUL MCCABE, residing at 8 The Oval, Willerby, HV10 6PB.

Landlord

1. **WHEREAS** in terms of their decision dated 23 May 2012, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the property made by the Committee.
2. The Committee determined to make a Rent Relief Order in terms of Section 27 of

the said Act reducing the rent payable under the tenancy for the property by an amount of **75%** of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

RIGHT OF APPEAL

3. A landlord or a 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 APPEAL

4. 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 Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

IN WITNESS WHEREOF these presents typewritten consisting of this and the preceding page are executed by me, Steven Peter Walker, Advocate and Barrister, Chairman of the Private Rented Housing Committee at London on the twelfth day of October two thousand and twelve before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London, WC1R 5DJ.

S Walker

Chairman

H K Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

34/4Beaverbank Place, Edinburgh, EH7 4ET

STATEMENT OF REASONS

INTRODUCTION

1. This was an application ('the application') dated 19 December 2011 made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Miss Janina Wyroda ('the tenant') regarding the property known as and forming 34/4 Beaverbank Place, Edinburgh, EH7 4ET ('the property'). The landlord of the property Mr Paul McCare ('the landlord') who resides at 8 The Oval, Willerby, HV10 6PB. The Committee by Statement of Reasons dated 23 May 2012 determined that the landlord had failed to comply with certain duties imposed on him in terms of the legislation and imposed an RSEO dated 23 May 2012 over the property.

THE REINSPECTION

2. The reinspection of the property was carried out on 4 July 2012 by the surveyor member of the Committee. The surveyor prepared a report ('the report') dated 4 July 2012 which concluded that the landlord has failed to comply with all of the RSEO. The said report was intimated to the parties for comment. The tenant requested a RRO of at least 50% and the landlord simply offered excuses as to why the RSEO had not been complied with.

DECISION & REASONS

3. The Committee determines that the landlord is in default of the RSEO. The Committee having considered the terms of the report considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse.
4. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the

failure to carry out the repairs, and (2) the failure by the landlord to carry out the repairs in direct contravention of an Order made by this Committee.

5. The Committee having made such enquiries as it deems appropriate determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority.
6. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 75%.

EFFECTIVE DATE

7. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

8. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

S Walker

Signed

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

12 October 2012