

**Notice of a decision to Vary**  
**A Repairing Standard Enforcement Order**  
**Ordered by the Private Rented Housing Committee**

prhp Ref: PRHP/RP/13/0074

Re: Property at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Property")

**The Parties:-**

MISS LESLEY SMITH residing at 14 Balnakeil, Durness, Sutherland, IV27 4PT ("the Landlord")

MISS LINDA TURTLE formerly residing at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Tenant")

**NOTICE TO MISS LESLEY SMITH ("the Landlord")**

The Private Rented Housing Committee having determined on 30 April 2014 that the **Repairing Standard Enforcement Order** relative to the Property served on 20 January 2014 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended until 31 January 2015.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

**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 variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

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 30 April 2014 before this witness:-

**L Johnston**

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 Section 25 (1) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/13/0074

Re: Property at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Property")

### The Parties:-

MISS LINDA TURTLE formerly residing at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Tenant")

MISS LESLEY SMITH residing at 14 Balnakeil, Durness, Sutherland, IV27 4PT ("the Landlord")

### Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given an extension to 31 January 2015 for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act").

### Background

1. Reference was made to the Determination of the Committee dated 20 January 2014 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and that she had failed to ensure that the Property met the repairing standard. The works required by the RSEO were:-
  - (a) To install a proper step to the rear of the Property and to remove the concrete currently present in order to meet the repairing standard.
  - (b) To replace the broken pane of glass in the main bedroom of the Property and to carry out such works of repair or replacement to the windows at the rear of the Property sufficient to render them properly wind and watertight and otherwise compliant with the repairing standard. The said works would also require to identify the cause of damp ingress within the Property and would include such works as were necessary to prevent further damp ingress.
  - (c) To carry out such works of repair or replacement to the gutters and external pipes at the Property sufficient to render them in proper working order and compliant with the repairing standard.
  - (d) To carry out such works of repair and replacement to the drainage system at the rear of the Property serving both the kitchen and bathroom sufficient to meet the repairing standard.
  - (e) To produce a current Gas Safety Certificate confirming that the gas appliances within the Property are compliant with the repairing standard.
  - (f) To carry out such works as are necessary to the electrical systems within the Property to allow a suitably qualified electrician to provide a clear Electrical

Installation Condition Report confirming that the systems within the Property are compliant with the repairing standard

- (g) To provide a proper cap on the hot water tank.
- (h) To provide a cover for the cold water storage tank.
- (i) To repair or replace the door to the main bedroom.
- (j) To carry out such works to the flooring within the kitchen to ensure that it is no longer a trip hazard.
- (k) To install a hardwired mains smoke detection system compliant with the relevant regulations and repairing standard.
- (l) To investigate the cause of the damp ingress in the living room at the front of the Property and to carry out such works as are necessary to prevent further damp ingress.

The RSEO gave the Landlord 6 months to carry out the works.

2. By an email request dated 10 March 2014 the Landlord wrote to the Committee to advise that she wished an extension to the time given to bring the Property up to the repairing standard. The Landlord confirmed that the Property was reverting to its commercial use for the forthcoming tourist season. The Landlord advised that the only electrician in the area was busy and he had not yet been able to give the Landlord a price for the work much less start. The Landlord would prefer to have the works completed at the end of the season so as not to disrupt the commercial activities of the shops.

The Committee considered whether to grant the request of the Landlord to extend the period for the works to be carried out. The Committee were aware that the Property was located in a highly remote location, where it was difficult to engage tradesmen. The Committee were prepared to accept the Landlord's explanation that the Property was going to be used for commercial purposes over the summer season. Accordingly the Committee did not see that there was any prejudice in granting a significant extension to allow the Landlord to complete the works at the end of the tourist season. Accordingly the Committee determined to grant an extension until 31 January 2015.

#### **Decision**

3. The decision of the Committee was to grant the Landlord further time until 31 January 2015 to comply with the RSEO.
4. The decision of the Committee was unanimous.

#### **Right of Appeal**

5. **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**

6. 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 ..... *30/4/2016* .....