



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: Property known as Birk Hedges Cottage, Birkhedges, near Haddington EH41 4HF, all as more particularly described in the Disposition in favour of Mrs Catherine Mary Henderson or Home dated Twenty first January and recorded in the Division of the General Register of Sasines for the County of East Lothian on Seventh February, both months of the year Nineteen hundred and ninety one; Together with the heritable fixtures and fittings therein and thereon, free ish and entry therefrom and thereto, and the parts, privileges and pertinents effeiring thereto ("the house")

Mr. Colin Blyth, Birk Hedges, near Haddington EH41 4HF, whose agent is Mr. Thomas Mooney, 7 Dundas Road, Eskbank, Dalkeith EH22 3EN ("the Tenant")

Mrs. Catherine Home, Winterfield, 1 Fidra Road, North Berwick EH39 4LY ("the Landlord")

Reference PRHP/RP/13/0083

NOTICE TO Mrs Catherine Mary Henderson or Home ("the Landlord")

The Private Rented Housing Committee having determined on 27 August 2014 that the Repairing Standard Enforcement Order relative to the property dated 13 December 2013 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 respect:-

1. The period allowed for the completion of the works required by the Order is extended for a further 21 days from the date of issue of this notice. The Landlord is reminded of the requirement in Section 14(2) of the Housing (Scotland) Act 2006 which includes a duty to make good any damage caused by carrying out any work for the purposes of complying with the repairing standard. This includes any redecoration work required.

Subsection 25(3) of the Housing (Scotland) Act 2006 applies 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 typewritten on this and the preceding page are executed by Mrs. Aileen Margaret Devanny, Chairperson of the Private Rented Housing Committee at Glasgow on Fourth day of September 2014 in the presence of the undernoted witness :-

G Wardlow Witness

A Devanny

Gemma Wardlow Name in full

Europa Building 450 Address
Argyle Street
Glasgow

Panel clerk Occupation



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION
26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Re: Property known as Birk Hedges Cottage, Birkhedges, near Haddington EH41 4HF, all as more particularly described in the Disposition in favour of Mrs Catherine Mary Henderson or Home dated Twenty first January and recorded in the Division of the General Register of Sasines for the County of East Lothian on Seventh February, both months of the year Nineteen hundred and ninety one; Together with the heritable fixtures and fittings therein and thereon, free ish and entry therefrom and thereto, and the parts, privileges and pertinents effeiring thereto ("the house")

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Mrs. Catherine Home, Winterfield, 1 Fidra Road, North Berwick EH39 4LY ("the Landlord")

Reference PRHP/RP/13/0083

DECISION

The Private Rented Housing Committee ("the Committee"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings of the Surveyor Member of the Committee at the inspection of the property on 14 April 2014, and further considering the nature of the outstanding repairs in the RSEO and subsequent written representations of the parties, determined that the RSEO should be varied to extend the period for completion of the works detailed within the Order in terms of Section 25(1)(a) and Section 25(3) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act").

Background

1. Reference is made to the Determination of the Committee dated 3 December 2013 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Committee which required the Landlord to carry out works as specified therein. The said works in the RSEO to be carried out and completed by 28 February 2014. There was service of the Notice of the RSEO on the Landlord on 17 December 2013.

2. On 14 April 2014 Mr. Robert Buchan, Surveyor Member of the Committee, carried out an inspection of the house for the purpose of ascertaining if the said repairs in the RSEO had been completed. The Tenant and family members, agent Mr. Mooney and the Landlord were present at the inspection of the house and were made aware of his findings. A report on his findings was submitted to the Committee indicating that the windows except the two small windows in the kitchen have been replaced with new upvc framed double glazed windows. The rotten kitchen window sill, kitchen sink and work top have been replaced. High moisture meter readings were noted around the front right (as viewed from the front) bedroom window. Remedial work to remedy the dampness is still required.

3. Work started in June 2014 to the floor area which had been found to be rotten during the remedial works and the required works have been found to be more extensive than at first thought and will involve lifting the floor boards and putting in a damp proof course. The Committee considered the representations of the parties and in all the circumstances, the Committee considered that it would be reasonable to vary the RSEO in terms of Section 25(1) (a) of the Act. The variation provides for extension of the time period for completion of work in the RSEO for a further 21 days from the date of issue of the notice of variation of the RSEO. The Landlord is reminded of the requirement in Section 14(2) of the Housing (Scotland) Act 2006 which includes a duty to make good any damage caused by carrying out any work for the purposes of complying with the repairing standard. This includes any redecoration work required. The members of the Committee were unanimous in their decision.

A Devanny

Chairperson,
27 August 2014