



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re 1, Main Road, Ardmish, Gigha, being part of the subjects registered in the land Register of Scotland under title Number ARG3717 ('the Property')

The Parties:-

Rudi and Aleid Kloosterhuis residing at 1 Main Road, Ardmish, Isle of Gigha ('The Tenants')

Isle of Gigha Heritage Trust, incorporated under the Companies Acts and having their registered office at Old Bank of Scotland Buildings, Stornoway, Isle of Lewis ('The Landlords')

NOTICE to the said Isle of Gigha Heritage Trust ("the Landlord")

The Private Rented Housing Committee having considered that satisfactory progress has been made in carrying out the work required by the **Repairing Standard Enforcement Order** relative to the Property determined that the Order should be varied.

Therefore the **Repairing Standard Enforcement Order** is hereby **VARIED** with effect from the date of service of this Notice to the effect that the period allowed for the completion of the works is extended to 31st March 2013.

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.

Signed..... **J Taylor** Date 30th September 2012
Chairperson

..... E Shedden witness: ELIZABETH GIFFEN SHEDDEN, 65, High Street, Irvine



Statement relative to the Notice of the decision to Vary

The Repairing Standard Enforcement Order

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Decision

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

1. The RSEO relative to the Property required the Landlords:

'To carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular it required the Landlord to:-

- (1) Repair and renew, where necessary, the roof coverings to render them wind and watertight and the Property free from damp and carry out necessary redecoration.*
- (2) Effect repairs to render the living room free from draughts.*
- (3) Repair the cracks in the external roughcast and repair or replace defective gutters and downpipes.*
- (4) Repair or replace the chimney lining to render it in a reasonable state of repair and proper working order.*
- (5) Repair or replace decayed window frames and carry out necessary repairs to the window frames to allow the windows to open with ease.*
- (6) Repair or replace the entrance door, entrance door frame and threshold weather bar to render them in a reasonable state of repair and proper working order.*
- (7) Repair the shed to render it in a reasonable state of repair and proper working order.*

The RSEO specified that these works must be carried out and completed by 30th September 2012.

2. The Landlords advised by email that they had carried out disruptive asbestos and rot surveys and as a result of the surveys they have extended the scope of works to be carried out to the Property. They have obtained Building Warrant for the required works and they have appointed a contractor who is preparing for the works. The Landlords also provided the Committee with a copy of the current schedule of works.

Decision

3. The Committee were satisfied that the Landlords were making satisfactory progress in carrying out the required works and accordingly they agreed to vary the RSEO to allow the Landlords additional time to complete the outstanding works.
4. The Committee proceeded to vary the Repairing Standard Enforcement Order in terms of section 25 by extending the time for the outstanding works to be completed to 31st March 2013.
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 **J Taylor** Date 30th September 2012
Chairperson