



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

Ref: PRHP/G82/137/12

Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 ("the Property")

The Parties:-

Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD ("the Tenant")

And

Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA ("the original Landlord")

Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. ("the current landlord")

Notice to Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD.

The Private Rented Housing Committee issued a Repairing Standard Enforcement Order ("RSEO") dated 27th November 2012 in respect of the Property.

The Private Rented Housing Committee, determined on 25th October 2013 that the **Repairing Standard Enforcement Order** relative to the Property dated 27th November 2012 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:-

The period allowed for the completion of the work required by the order is extended until 30 November 2013

Section 25(3) of the Housing (Scotland) Act 2006 applies in this case.

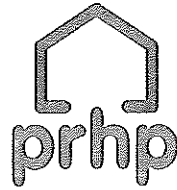
A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

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.

Signed **J Bauld** *25 October 2013*
James Bauld, Chairperson

J Wilson

.....Witness
JONATHAN WILSON
7 West George Street, Glasgow, G2 1BA



Determination by Private Rented Housing Committee

**Statement of decision of the Private Rented Housing Committee under Section 25 (1) of the
Housing (Scotland) Act 2006**

Ref: PRHP/G82/137/12

Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 ("the Property")

The Parties:-

**Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD
("the tenant")**

and

Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA

("the original landlord")

Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. (" the current landlord")

Background

1. On 27th November 2012, the Committee issued a Determination which decided that the original Landlord had failed to comply with the duties imposed by Section 14 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the property.
2. The RSEO made by the Committee required the original Landlord to carry out such works as were necessary to:-

- a. To thoroughly examine the property to identify the cause of the water ingress and damp penetration in the hallway and to carry out repairs to prevent further water ingress and to eradicate the penetrating dampness in the hallway and to make the hallway wind and water tight.
 - b. To thoroughly examine the property to identify the cause of rising/penetrating dampness within the living room of the property and to carry out works to prevent further rising/penetrating dampness and to make the walls of the property water tight to eradicate the dampness.
 - c. To thoroughly examine the property to identify the cause of penetrating dampness within the kitchen room of the property and to carry out works to prevent further penetrating dampness and to make the walls of the property water tight to eradicate the dampness.
 - d. To thoroughly examine the property to identify the cause of water ingress/penetrating dampness within the bedrooms of the property and to carry out works to prevent further water ingress/penetrating dampness and to make the ceilings and walls of the property water tight to eradicate the dampness.
 - e. To carry out repairs to the gutters and downpipes to the property to place them in a reasonable state of repair and in proper working order.
 - f. To carry out reinstatement works/repair of resultant damage, following eradication of damp/water penetration|
 - g. To install within the property smoke alarms on both levels which require to be hard wired and inter-linked.
3. The Committee ordered that the works required in terms of the RSEO were to be carried out within 28 days of the date of the order. The RSEO was effectively served on the Landlord.
 4. On or around 19th February 2013 a letter was received by the Private Rented Housing Panel from the agents acting for the original Landlord. The agents indicated that the property had now been sold with effect from 31st January 2013 and indicated that the new owner was a Mrs Angela Reid residing at Ballymenoch House, Cardross, G82 5HD.
 5. On 14th February 2013, the Private Rented Housing Panel wrote to Mrs Reid indicating that a re-inspection of the property would be arranged and would take place on the 27th February 2013 at 10am.
 6. On 27th February 2013, Mr Kingsley Bruce, the surveyor member of the Committee attended at the property for the purposes of carrying out a re-inspection. Access could not be gained to the property. There was no reply at the door and it was apparent that no one was there to provide access. The surveyor member noted that the property appeared to be vacant, unfurnished and unoccupied.
 7. Further correspondence was sent to the current Landlord, Mrs Reid. In early August she spoke to the Clerk to the Committee and indicated that work had commenced in the property. She indicated that the works would progress but asked if the Committee would postpone any further re-inspection to allow the works to be done.

8. The Committee considered the request from Mrs Reid and were satisfied that she was now co-operating with the works required by the RSEO.
9. Accordingly the Committee decided in terms of the powers under Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order which had been previously made.
10. The Committee decided that the RSEO should be varied to allow the current Landlord a further period of time to arrange for the outstanding works to be completed. The Committee determined that the current Landlord should be given until 30th November 2013 to arrange for the outstanding works to be completed.
11. The Committee also determined that the Landlord should now be designated as Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD.

Decision

12. The Committee having made such enquiries as it saw fit for the purposes of determining whether the original and current Landlord had complied with the RSEO in relation to the property concerned by taking full account of all the evidence obtained at the re-inspection and subsequent correspondence determined to exercise their powers in terms of Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order.
13. The Committee proceeded to make a variation to the RSEO.
14. The decision of the Committee was unanimous.

Right of Appeal

15. 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

16. 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 Bauld** Date... *25 October 2013*
James Bauld, Chairperson

J Wilson
.....Witness
JONATHAN WILSON.
, 7 West George Street, Glasgow, G2 1BA