

Notice of a Decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/14/0082

Re : Property at 4 Midfield Terrace, Steelend, Dunfermline, KY12 9NB ("the Property")

Land Register Title Number: FFE54905

The Parties:-

Mr James Davidson, 4 Midfield Terrace, Steelend, Dunfermline, KY12 9NB ("the Tenant")

Mr Mordecai Bamburger, 15 Belmont Drive, Giffnock, G46 7NZ ("the Landlord")

NOTICE TO

Mr Mordecai Bamburger, 15 Belmont Drive, Giffnock, G46 7NZ

The Private Rented Housing Committee having determined on 23 December 2014 that the **Repairing Standard Enforcement Order** relative to the Property served on 22 September 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 outstanding works as at item 5 of the Repairing Standard Enforcement Order is extended for a further period of 4 weeks.

Subsection 25(3) of the Housing (Scotland) Act 2006 does 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 Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 5 January 2015 before this witness:-

Judith Lea

_____ witness _____

_____ chairman

Rachel Graham
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife

Determination by the Private Rented Housing Committee

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

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Mr Mordecai Bamburger, 15 Belmont Drive, Giffnock, G46 7NZ ("the Landlord")

Background

1. On 22 September 2014, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 17 September 2014.
2. On 10 December 2014 the surveyor member of the Committee re-inspected the property. The Tenant and his carer were present. Landlord was not present or represented.
3. The surveyor member noted that:
 1. Locks: the Yale lock has been replaced and is in working order. The internal mechanism of the mortice lock has also been replaced and is functional, although it takes some effort to close the door properly.
 2. Combi boiler: this has been repaired and at the time of inspection was working order and the property was warm throughout.
 3. Ceiling panels: these have been fixed in place and are now in a reasonable state of repair. The tenant reported some recent signs of a leak from the roof but there was no evidence of this at the time of inspection despite there being rain and sleet that morning.
 4. The bathroom sink has been replaced place and taps and drainage are in working order.
 5. A replacement cooker has been supplied which appears to be in working order.
4. The surveyor member however noted that no Gas Safety Certificate had been produced and that no work had been carried out to the electrical system in the kitchen. Sockets on the external wall (other than the cooker) do not work. No Electrical Safety Certificate was supplied.

5. The Committee was accordingly satisfied that the Landlord had complied with items 1-4 of the Repairing Standard Enforcement Order but considered that item 5 remained outstanding
6. As the Landlord has attended to the most urgent works in the Repairing Standard Enforcement Order and given that the property is now improved, especially in relation to the heating system, the Committee considered it reasonable to allow the Landlord further time to produce a Gas Safety Certificate, an Electrical Safety Certificate and evidence that the electrical system is fully functional.
7. The Committee accordingly allowed the Landlord a further period of 4 weeks to comply with item 5 of the Repairing Standard Enforcement Order.

Right of Appeal

8. **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

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, 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.

Judith Lea

Signed
Chairperson

..... Date... 5 January 2015