



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

PRHP Ref: PRHP/RP/0060

Re: Property at Flat 1/1 544 Hamilton Road, Uddingston G71 7SG ("the Property")

Title Number: LAN 92472

The Parties:-

Naeem Ahmed, 7 Hawksland Walk, Hamilton, ML3 7NX; Parveen Akhtar Ahmed, 37 Covanburn Avenue, Hamilton ML3 7PX; Mohammed Nazir (Deceased), c/o Stonevale Lettings Ltd, 18 Avon Street, Hamilton, ML3 7HU; Shahida Parveen Arshad, 14 Baltersan Gardens, Hamilton, ML3 7QW; Stonevale Lettings Ltd, 18 Avon Street, Hamilton ML3 7HU ("the Landlord")

Robert Hannah currently residing at 8 Croftbank Crescent, G/L, Bothwell G71 8RS ("the Tenant")

NOTICE TO Naeem Ahmed, Parveen Akhtar Ahmed, Mohammed Nazir (Deceased) and Shahida Parveen Ashrad ("the Landlord")

The Private Rented Housing Committee having determined on 27 November 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 9 May 2016 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 to 14 February 2017.

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 Josephine Bonnar, Solicitor, Chairperson of the Private Rented Housing Committee at Motherwell on the 27 November 2016 before this witness:-

G. BONNAR

J. BONNAR

Witness

Chairperson

Gerard Bonnar

58 Port Dundas Road, Glasgow

Solicitor

Name in full

Address

Occupation



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

PRHP Ref: RP/16/0060

Re: Property at Flat 1/1 544 Hamilton Road, Uddingston, G71 7SG ("the Property")

Title No: LAN 92472

The Parties:-

Robert Hannah currently residing at 8 Croftbank Crescent, G/L, Bothwell, G71 8RS ("the Tenant")

Naeem Ahmed 7 Hawksland Walk, Hamilton ML3 7NX, Parveen Akhtar Ahmed 37 Covanburn Avenue, Hamilton, ML3 7PX, Mohammed Nazir (Deceased) c/o Stonevale Lettings Ltd, 18 Avon Street, Hamilton, ML3 7HU, Shahida Parveen Arshad 14 Baltersan Gardens, Hamilton ML3 7QW; Stonevale Lettings Ltd, 18 Avon Street, Hamilton ML3 7HU (the Landlord(s))"

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order (RSEO) relative to the property should be varied in terms of Section 25 (1) (a) of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.

The Committee comprised:-

Mrs Josephine Bonnar, Chairperson

Ms Carol Jones, Surveyor Member

Background

- 1. By application received on 12 February 2016 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").**
- 2. The Application by the Tenant stated that the Tenant considered that the Landlords had failed to comply with their duty to ensure that the house meets the repairing standard and in particular that the**

Landlords had failed to ensure that:- the house is wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed. Specifically the Tenant complained of dampness in the property, uneven floors, a leak in the toilet ceiling and a defective washing machine.

5. The Private Rented Housing Panel served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlords and the Tenant on 15 March 2016.
6. The Private Rented Housing Committee inspected the Property on the morning of 25 April 2016. The Tenant was present during the inspection. Neither the Letting Agent nor the Landlords were present during the inspection.
7. Following the inspection of the property the Private Rented Housing Committee held a hearing at Brandon Gate, Leechlee Road, Hamilton. The Tenant and the Letting Agent, Margaret Jamieson of Stonevale Lettings Ltd were both present and gave evidence.
8. Following the hearing the Committee proceeded to issue a Repairing Standard Enforcement Order. The RSEO required the Landlord (1) To instruct a suitably qualified Building Contractor to carry out the works required to eradicate all water penetration and dampness and render the property wind and watertight, (2) To repair the washing machine to restore it to proper working order or replace it with a new washing machine and (3) To investigate the cause of the slope in the floors within the property and carry out repairs to rectify this defect in the floors. The work required in terms of the RSEO was to be completed within 12 weeks.
9. The Surveyor Member of the Committee re-inspected the property on 15 September 2016. One of the Landlords, Naeem Ahmed, the letting agent Margaret Jamieson of Stonevale Lettings and the tenants girlfriend Danielle Sweeney were present. The Surveyor Member of the Committee noted that the washing machine has been replaced with a second hand machine which Ms Sweeney confirmed is in working order. No further work had been carried out in terms of the RSEO. A copy of the re-inspection report prepared by the Surveyor Member is attached to this decision.
17. Following the re-inspection the re-inspection report was issued to the parties for their comments. On 11 October 2016 the Landlord submitted written representations which indicated that the work required in terms of the RSEO was to be carried out as part of a larger refurbishment project involving the whole building. The work was

scheduled to start mid October 2016. In light of the representations a further hearing was assigned for 14 November 2016. On the 21 October 2016 the letting agents submitted paperwork to the PRHP relating to the proposed refurbishment. They also advised that the Tenant had been decanted from the property to another property while the work is carried out. The Tenant subsequently confirmed that he has been decanted but confirmed that he will move back into the property after completion of the work. On 11 November 2016 the letting agent requested a postponement of the hearing and in addition requested a variation of the RSEO to allow the works, which have now commenced, to be completed. The estimated timescale for the works is 16 weeks from the start date of 10 October. The Tenant confirmed that he had no objection to the hearing being postponed. He made no representations in relation to the request for a variation of the order.

Reason for decision

18. The Committee considered the current condition of the property as established at the re-inspection, the evidence led at the previous hearing and the various representations which have been submitted.
22. The Committee noted that the repairs issues were first notified to the Landlord in October 2015. At the hearing on 25 April 2016 the letting agent advised that substantial refurbishment works were scheduled to start in June 2016 and would last approximately 12 weeks. The Committee took this information into account when issuing the RSEO and specifying the timescales for the work. The Committee was concerned therefore when the Surveyor Member attended the property for re-inspection on 15 September 2016 and noted that the refurbishment had not commenced and that the only work carried out was the replacement of the washing machine. The Landlord was present and acknowledged the lack of progress. It was evident also that the Tenant was still in occupation of the property. The Landlord subsequently provided detailed representations to the Committee. An explanation for the delay has been provided. It has been explained that as the refurbishment does not only involve this property but the whole block there has been a tender process which took longer than expected and grant funding was sought and obtained for a large percentage of the work. The Committee also noted that the work has now commenced and that the Tenant has been provided with alternative accommodation by the Landlord for the duration of the works. A precise timescale has also been stipulated.
23. The Committee concluded that RSEO should be varied to allow further time for completion of the works.

Decision

24. The Committee accordingly determined that further time should be allowed for the works to be carried out and that the RSEO should be varied by extending the time for completion of the work until 14 February 2017.

25. The decision of the Committee was unanimous

Right of Appeal

26. 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

27. 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.

J. BONNAR

Signed.....Date...27 November 2016
Josephine Bonnar
Chairperson