

# **Determination by the Private Rented Housing Committee**

## **Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006**

**Re : Property at 1 Westfield Avenue, Dundee ("the Property") being All and Whole the eastmost basement house at 1 Westfield Avenue, Dundee, I, II and III referred to in Disposition to Francis Beattie recorded in the general Register of Sasines on 16 March 1961**

### **The Parties:-**

**Miss Beverly Robertson, 1 Westfield Avenue, Dundee ("the Tenant")**

**Mrs I Ismail c/o Shampan Property, 4 Westfield Place, Dundee ("the Landlord")**

### **Decision**

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order issued by the Committee on 23 September 2008 and taking account of the evidence led by the Landlord, determined that the Landlord has complied with Conditions a. and c. of the Order but has not yet complied with Condition b.

### **Background**

1. On 23 September 2008, the Private Rented Housing Committee having determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") issued an Order requiring the Landlord to:
  - a. Provide a copy of the current gas safety certificate.
  - b. Provide a copy of an up to date Hydro Electric Test Certificate.
  - c. Ensure that the method provided for smoke detection is in proper working order.
2. The property was re-inspected on 21 November 2008 by the surveyor member of the Committee. A copy of the Landlord's gas safety certificate dated 23 November 2008 was produced and the Committee accordingly consider that the Landlord has complied with this part of the Order.
3. The surveyor member also observed that the smoke alarm was now functioning and accordingly the Committee consider that Condition c. has been complied with. At the re-inspection, however, the Landlord was unable to produce an Electrical Test Certificate and accordingly it was necessary for the Committee to reconvene.
4. The Committee reconvened on 16 January 2009. The Landlord was represented by Mr Chowdhury.
5. Mr Chowdhury advised the Committee that he had written three letters to the Hydro Electric Board but had not had a reply. He explained that the difficulty was that the Hydro Electric Board were only involved in supplying the meters. He stated that in connection with the re-wiring, he was not quite sure what the Committee were looking for. He advised that the whole house had recently been re-wired.

6. Mr Chowdhury was advised by the Committee that he would either require to get the Electrician who did the re-wiring to issue a Test Certificate or alternatively have the property inspected by a NIC/EIC Registered Electrician and supply an electrical installation test certificate.
7. Mr Chowdhury stated that there was no difficulty in him doing this. He clarified that if during the inspection anything came to light that required work, he would have this fixed and then provide the certificate. Mr Chowdhury indicated that twenty one days should be a sufficient time for him to deal with the matter.
8. After the hearing had concluded, the Tenant, Ms Robertson appeared and apologised for being late. Ms Robertson was advised that the Committee had already dealt with the hearing and determined the matter. She was advised of what the Committee's decision was.

#### **Decision**

1. The Committee accordingly determined to vary the Repairing Standard Enforcement Order by deleting Conditions a. and c. and amending Condition b. to requiring the Landlord to produce an Electrical Installation Test Certificate from an NIC/EIC Registered Electrician.
2. The decision of the Committee is unanimous.

#### **Right of Appeal**

1. 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**

2. 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 .....  
Chairperson

**J Lea**

..... Date..... 26/1/09 .....

## **Notice of a decision to Vary**

### **A Repairing Standard Enforcement Order**

#### **Ordered by the Private Rented Housing Committee**

**Re : Property at 1 Westfield Avenue, Dundee ("the Property") being All and Whole eastmost basement house, 1 Westfield Avenue, Dundee, I, II and III described in Disposition to Francis Beattie recorded in the general Register of Sasines on 16th March 1961**

#### **The Parties:-**

**Miss Beverly Robertson, 1 Westfield Avenue, Dundee ("the Tenant")**

**Mrs I Ismail c/o Shampan Property, 4 Westfield Place, Dundee ("the Landlord")**

#### **NOTICE TO Mrs I Ismail c/o Shampan Property, 4 Westfield Place, Dundee ("the Landlord")**

The Private Rented Housing Committee having determined on 26 January 2009 that the **Repairing Standard Enforcement Order** relative to the Property served on 25 September 2008 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. Conditions a. and c. of the previous Order are deleted.
2. The steps which the Committee require the landlord to take in complying with the order are amended as follows :-
  - a. Provide an Electrical Installation Test Certificate from an NIC/EIC Registered Electrician.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

The Private Rented Housing Committee order that the certificate requires to be produced and any work which may be required in order for the certificate to be issued be completed within a period of 21 days from the date of service of this notice.

**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 28 January 2009 before this witness:-

R Graham

.... Witness

J Lea

..... Chairman

Rachel Graham  
31 1/r Dundonald Street  
Dundee  
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