

## Notice of a Decision to Vary

### A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: DD11/59/13

Re : Property at 26D Ladybridge Street, Arbroath, DD11 1AR being All and Whole the house & c. 26, Ladybridge Street, Arbroath, referred to in the Disposition in favour of William Smith and Another recorded Aberbrothock Burgh Register 17 May 1919. (search sheet for the county of Angus No 32913) ("the Property")

The Parties:-

Arvis Dimitrijevs, formerly of 26D Ladybridge Street, Arbroath, Angus, DD11 1AR ("the Tenant")

Mohammed Ashraf of Mohammed Ashraf Properties, 35 High Street, Arbroath, Angus DD11 1AN ("the Landlord")

#### NOTICE TO

**Mohammed Ashraf of Mohammed Ashraf Properties, 35 High Street, Arbroath**

The Private Rented Housing Committee having determined on 22 July 2013 that the **Repairing Standard Enforcement Order** relative to the Property served on 23 July 2013 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 undernoted is extended by a further period of 4 months.

Works Outstanding

1. Repair/replace the kitchen and front bedroom windows to ensure that they are in a reasonable state of repair and in proper working order.
2. Replace the defective sealed unit in the bottom part of the kitchen window and ensure it is in a reasonable state of repair and in proper working order.

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 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 18 October 2013 before this witness:-

**M Smith**

witness

**J Lea**

chairman

Maxine Smith  
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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**Re : Property at 26D Ladybridge Street, Arbroath, DD11 1AR being All and Whole the house & c. 26, Ladybridge Street, Arbroath, referred to in the Disposition in favour of William Smith and Another recorded Aberbrothock Burgh Register 17 May 1919. (search sheet for the county of Angus No 32913) ("the Property")**

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

**Arvis Dimitrijevs, formerly of 26D Ladybridge Street, Arbroath, Angus, DD11 1AR ("the Tenant")**

**Mohammed Ashraf of Mohammed Ashraf Properties, 35 High Street, Arbroath, Angus DD11 1AN ("the Landlord")**

#### **Background**

1. On 23 July 2013, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 22 July 2013.
2. On 2 September 2013 the surveyor member of the Committee re-inspected the property. The Landlord was not present or represented.
3. The surveyor member was unable to gain access to the property but noted that none of the works required in terms of the Repairing Standard Enforcement Order appeared to have been undertaken and all the works remained outstanding.
4. The surveyor member contacted the Landlord by telephone who confirmed that none of the work specified in the Repairing Standard Enforcement Order had been completed. The Landlord stated that the property was unoccupied and it appeared to the surveyor member that the property was indeed now unoccupied.
5. The Landlord was written to enquiring as to whether or not he had a reasonable excuse for failing to comply with the order and enquiring as to how he intended to ensure compliance with the order. The Landlord replied stating that the previous Tenant had left the property in a bad state of repair with a lot of rent arrears and they were still recovering from the loss. The Landlord confirmed that the property was unoccupied and that once the property was ready for the rental market again they would contact the Private Rented Housing Panel so that the Panel could be satisfied that the Repairing Standard Enforcement Order had been fully complied with before the property was leased out.
6. Given that the property is not occupied at present, the Committee considered it reasonable to allow a variation of the Order to give the Landlord a further 4 months to complete all the works prior to taking the step of reporting matters to the procurator fiscal.

7. After the 4 month period the Committee will re-inspect the property. The Landlord is strongly advised to deal with these outstanding matters as soon as possible and to attend any future re-inspection.
8. It is a criminal offence to re-let the property while the Repairing Standard Enforcement Order has not been complied with.

**Right of Appeal**

9. **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**

10. 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 Lea** ..... Date... **18/10/13**  
Chairperson