

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

prhp Ref: PRHP/DD3/76/13

Re: Property at 2/1, 60 Provost Road, Dundee, DD3 8AH ("the Property")

The Parties:-

HARJIT SIDHU residing at 6 Muirfield Place, Dundee, DD3 8PR ("the Landlord")

JOSEPH WILLIAMSON residing at 2/1, 60 Provost Road, Dundee, DD3 8AH ("the Tenant")

NOTICE TO HARJIT SIDHU ("the Landlord")

The Private Rented Housing Committee having determined on _____ that the **Repairing Standard Enforcement Order** relative to the Property dated 17 February 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 work required by the order is extended (or further extended) for a further period of 3 months from the date of service of this Notice.

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 Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 16/6/14 before this witness:-

L Johnston

_____ witness

E Miller

_____ Chairman

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



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

prhp Ref: PRHP/DD3/76/13

Re: Property at 2/1, 60 Provost Road, Dundee, DD3 8AH ("the Property")

The Parties:-

JOSEPH WILLIAMSON residing at 2/1, 60 Provost Road, Dundee, DD3 8AH ("the Tenant")

HARJIT SIDHU residing at 6 Muirfield Place, Dundee, DD3 8PR ("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 ("RSEO") in relation to the Property, determined that the Landlord should be given a further extension of 3 months to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act").

Background

1. Reference was made to the Determination of the Committee dated 17 February 2014, which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and that he had failed to ensure that the Property met the repairing standard. The works required by the RSEO were:-
 - (a) To carry out such works to the electrical installation and system within the Property as are required to allow the issue of an electrical installation condition report confirming that the Property meets the relevant regulations. Such works should include ensuring that the shower at the Property is in proper working order.
 - (b) To carry out such works of repair to the kitchen sink/external downpipe to ensure that the leak is repaired and that the repairing standard is met.
 - (c) To identify and remediate the cause of water penetration into the front elevation of the Property and to carry out any redecorative works caused by the remedial work.
 - (d) To repair the window in the bedroom to ensure that it meets the repairing standard.
 - (e) To provide new carpets to the Property for the bedroom and hall.
 - (f) To carry out such works of repair or replacement to the doors to the bedroom and bathroom sufficient to ensure that these doors can be opened and closed properly.

- (g) To install a hardwired smoke detection system compliant with the relevant regulations.

The RSEO gave the Landlord two months to carry out the works.

- 2. A reinspection of the Property was arranged for 16 May 2014 at 10am. Mr Charles Reid-Thomas (the original Surveyor Member of the Committee) was present at the reinspection.

It transpired that no works had yet been commenced at the Property. The Landlord had emailed the Committee on 9 May 2014 to advise that he had attempted to commence works on 17 March 2014. The Landlord advised that the Tenant had then made racist remarks to him and the Police ended up being called. Although no Police Report was available, a letter was presented to the Committee from a Property Manager within a local solicitor's office which confirmed the date of the incident, the Constable dealing with it and the crime number. The Tenant denied that he was refusing access to the Landlord or that he had made any racist remarks.

- 3. The Committee considered what further procedure should follow in these circumstances. The Committee was unable to determine whether the Landlord or Tenant's version of events were correct. In any event, it was not for the Committee to become embroiled in a dispute regarding access between the parties.

The Committee was firmly of the view that it was for the Tenant to give access to the Landlord provided the Landlord gave reasonable notice to the Tenant and wished to do the works at a reasonable time. The Tenant should not behave in any racist manner towards the Landlord. Similarly the Committee fully expected the Landlord to organise the works and to carry out them out at a reasonable time and upon giving reasonable notice to the Tenant. Both parties should behave in an appropriate fashion to each other. The Committee was of the view that the appropriate course of action here was to give an extension of time to allow the Landlord to carry out the works. The Committee determined that a 3 month period would be appropriate. In the event that the Tenant did refuse access, then it would be for the Landlord to force the issue regarding access via the Courts. The Committee would expect the Landlord to exercise this option if this proved necessary. If the Tenant was being difficult and it could be shown that the Landlord required to have recourse through the Courts to gain access to complete the works then the Committee would consider further extensions. The Committee hoped that both parties would act sensibly going forward and allow access and complete the works as soon as possible.

Decision

- 4. The decision of the Committee was to grant the Landlord a further period of 3 months from the date of this Decision to comply with the RSEO.
- 5. The decision of the Committee was unanimous.

Right of Appeal

- 6. **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

7. 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 **E Miller** Date..... *15/6/2014*

Chairperson