



NOTICE OF A DECISION TO VARY

A

REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO')

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: AB12/58/10

PROPERTY

**26 Thistle Drive, Aberdeen, AB12 4QH.
TITLE NUMBER KNC1519**

PARTIES

MR TOMS AND MRS ZANE TAURINS, formerly residing at 26 Thistle Drive,
Portlethen, Aberdeenshire, AB12 4QH

and

Tenants

MR ABDUL HAMID AND MISS TAHMIDA KALAM, residing at 8 Ramsay Road,
Stonehaven, Aberdeenshire, AB39 2HT.

Landlords

NOTICE TO MR ABDUL HAMID AND MISS TAHMIDA KALAM, residing at 8 Ramsay
Road, Stonehaven, Aberdeenshire, AB39 2HT and also residing at the property.

1. The Private Rented Housing Committee having determined on 13th October, 2010 that the RSEO relative to the Property served on 3rd August, 2010 should be varied, the said RSEO is **HERBY VARIED** with effect from the date of service of this Notice in the following respects:-
 - a. The period allowed for the completion of the work required by the RSEO paragraphs 3(c)(d) and (e) is extended by a further **4 WEEKS**.
2. Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.
3. 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.
4. 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 typewritten consisting of this and the preceding page are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at London on the thirteenth day of October two thousand and ten before this witness, Andrew Farrugia, solicitor, 2-5 Warwick Court, London, WC1R 5DJ..

S Walker

Chairman

A Farrugia

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

26 Thistle Drive, Aberdeen, AB12 4QH.

RE-INSPECTION & HEARING

14th September, 2010

STATEMENT OF REASONS

INTRODUCTION

1. An application dated 16th March, 2010 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr and Mrs Toms Taurins ('the tenants') regarding the property known as and forming 26 Thistle Drive, Portlethen, Aberdeenshire, AB12 4QH ('the property'). The landlords of the property are Mr Abdul Hamid and Miss Tahmida Kalam ('the landlords') who did reside at 8 Ramsay Road, Stonehaven, Aberdeenshire, AB39 2HT and were, at the date of the re-inspection, residing in the property.
2. There was an inspection and hearing concerning the property scheduled for 24th June, 2010. The Committee was unable to inspect the property as no access was given. The Committee proceeded with the hearing which occurred on 24th June, 2010 following which the Committee reached its decision dated 2nd July, 2010 and as a consequence of which issued a Repairing Standard Enforcement Order ('RSEO') dated 2nd July, 2010. Both the said decision and RSEO are produced with this decision.
3. The Committee re-inspected the property on 14th September, 2010 to determine if the RSEO had been complied with. The re-inspection of the property comprised of the original Committee.

INSPECTION

4. The Committee were allowed access to the property by the landlords who were now living in the property. The Committee observed that the RSEO paragraphs 3(c)(d) and (e) had not been complied with. The Landlord, Mr. Hamid, said he could not attend the hearing.

HEARING

5. The Hearing occurred concurrently with the inspection as the Landlord said he could not attend the hearing venue given his children. The Landlord denied any knowledge of the RSEO, notwithstanding this had been served by Sheriff Officers to his Stonehaven address. However, the Landlord admitted to the Committee that he still owned that property and checked the mail but had not noticed the RSEO. The Landlord said he would remedy the outstanding defects with the exception of the dishwasher.

DECISION

6. The Committee was not persuaded by the Landlord's ignorance of the RSEO, however, given his indications that he would comply with the terms of the Order, the Committee determines that it would be appropriate to give the Landlord additional time to complete these outstanding works contained within the RSEO at paragraphs 3(c)(d) and (e). Accordingly, the Committee determines it is appropriate to vary the RSEO and provide the Landlords with an additional 4 weeks in which to complete these outstanding works.

RIGHT OF APPEAL

7. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

8. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the

decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Walker

Signed 

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

13th October, 2010