

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

ref: PRHP/AB54/73/10

Re: Property at Fourmanhill Cottage, Forgue, Huntly, Aberdeenshire
("the Property")

Sasine Description: ALL and WHOLE that cottage and garden ground pertaining thereto known as and forming Fourmanhill Cottage, Forgue, Huntly in the County of Aberdeen being the subjects more particularly described in Notice of Payment of Improvement Grant by Aberdeenshire Council dated Sixteenth and recorded in the General Register of Sasines for the County of Aberdeen on the Seventeenth both days of September Two Thousand and Eight.

The Parties:-

Bognie Trust, The Estate Office, Fren draught, Forgue, Huntly per Gordon Morrison ("the Landlord")

Julie Woodward, Fourmanhill Cottage, Forgue, Huntly Aberdeenshire ("the Tenant")

NOTICE TO Bognie Trust, The Estate Office, Fren draught, Forgue, Huntly per Gordon Morrison ("the Landlord")

The Private Rented Housing Committee determined on the 4th of February 2011 that the Repairing Standard Enforcement Order relative to the property, said Order dated the 1st of September 2010 should be varied. The Committee varies the Order with effect from the date of service of this Notice in the following respects:-

1. The period allowed for completion of the work outstanding is extended by **twelve weeks** from the date of service of this Notice.
2. The Committee require the Landlord to carry out such works as are necessary to eradicate the rising and penetrating damp from the walls of the back bedroom.

Right of Appeal

A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of Section 63

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.

In witness whereof these presents typewritten on this and the one preceding page are executed by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on the Tenth day of February Two Thousand and Eleven before Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

M McCamley

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(witness) J

A McCamley

J

STATEMENT OF REASONS

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Background

By virtue of a Repairing Standard Enforcement Order (RSEO) dated the 1st of September 2010 the Committee ordered the Landlord to effect certain repairs to the above property. The Committee allowed three months for completion of the work. The aforesaid RSEO is referred to for its full terms. A re-inspection and re-hearing took place on the 4th of February 2011. The Committee comprised Anne McCamley, Chairman, David Godfrey, Surveyor and Mike Scott, Housing Member. The Committee was assisted by their Clerk Mr. Shea. The Landlord and Tenant attended both the re-inspection and subsequent re-hearing.

The re-inspection revealed work had been carried out to the front bedroom. The walls have been stripped, lined, painted with waterproof solution and re-plastered. A damp meter reading revealed some residual damp however the plaster may still be drying out. A damp proof course has not been installed.

No work has been carried out to the back bedroom.

A re-hearing took place at Scott House in Huntly immediately after the re-inspection.

The Landlord submitted the source of the dampness had been resolved when the drainage system was re-sited (this occurred before the first Hearing). There were delays with the re-plastering work in the front bedroom as a result of the intransigence of the Tenant who delayed moving herself and her furniture from the bedroom.

The stripping and re-plastering of the back bedroom cannot begin until the Tenant moves her furniture out of the back bedroom.

The Tenant, Mrs. Woodward, submitted the work in the front bedroom had only recently been completed and she was not yet in a position to move back into the room because the re-plastering work had reduced the size of the room and as a result her furniture no longer fitted.

Having re-inspected the property, taken account of the oral and written evidence and thereafter being guided by the Committee's professional surveyor Member the Committee is satisfied remedial work has been effected in the front bedroom, although the Committee does not share the Landlords confidence that the problem is resolved in the longer term. The waterproof membrane will alleviate horizontal dampness but may not cure vertical ingress. The Committee will take further readings at a subsequent inspection.

No work has been carried out in the back bedroom.

It appears to the Committee that the Tenant has been unwilling to co-operate with the Landlords' reasonable requests to remove from the back bedroom to allow work to be carried out. The Tenant is reminded she instigated this process and her co-operation in progressing the repair work is to be expected. The Committee hopes the Tenant will be able to make early arrangements to remove from the back bedroom to facilitate the work.

The Committee determined to vary the RSEO to allow further time for repair work to be effected in the back bedroom.

A Notice the Variation is attached and is adopted into this Statement.

A McCamley

Chairman
Private Rented Housing Panel.