



First-tier Tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 26 (1) of the Housing (Scotland) Act 2006

Case Reference: FTS/HPC/RT/23/2169

Re: Property at 57 Jamieson Street, Glasgow G42 7HA, being subjects registered in the Land Register of Scotland under Title Number GLA41191 “the Property”).

The Parties: -

Glasgow City Council, per their employee, Mrs Toni Coyle, Private Sector Officer, 231 George Street, Glasgow G1 1RX, as third party applicant in terms of section 22(1A) of the Act (“the Third Party Applicant”) and

Mr Kenneth Brown, formerly residing at 23 Jamieson Street, Glasgow G42 7HA and now residing at 15 Logan Gardens, Glasgow, G5 0LJ. (“The Landlord”), and

Mr Cippian Goman and Ms Somerda Rostas, both residing at 57 Jamieson Street, Glasgow G42 7HA (“The Tenants”)

The Tribunal comprised: -

Andrew Cowan (Chairman) and Andrew McFarlane (Ordinary(Surveyor) Member)

Background

1. By application dated 29th June 2023, the Third Party Applicant (herein after

referred to as “the Council”) made an application to the First-tier Tribunal (Housing and Property Chamber) indicating that they believed that the landlord was failing to comply with the duties imposed upon him by section 14(1)(d) of the Housing (Scotland) Act 2006 (“the Act”). On 2nd October 2023 the Tribunal determined that the landlord had failed to comply with the various duties imposed upon him by the Act and, on that date, the Tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the Property.

2. In terms of the RSEO the landlord was required:
 - a) To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.
 - b) To produce a valid and up to date Gas Safety certificate in respect of the Property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the Property meets the requirements of those regulations.
 - c) To provide evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the Property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006.
 - d) To repair or replace the letter box to the front door of the Property.
3. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed within the period of one month from the date of service of the RSEO upon the Landlord. The RSEO was served upon the Landlord on 5th February 2024. The Landlord was therefore required to complete the works required in terms of the RSEO by not later than 6th March 2024.
4. Arrangements were made for the Tribunal to re-inspect the Property and the re-inspection was carried out on 13th May 2024. The Tribunal attended the Property for the purposes of a reinspection on that date. No other party attended the reinspection of the Property.

5. At the reinspection of the Property the Tribunal noted that the Property appeared to be vacant. The Tribunal has not been informed by any party that the tenancy between the Landlord and the Applicant has been terminated. A report prepared by the Tribunal (including photographs taken at the time of the reinspection) is attached as a schedule to this decision.

Decision

6. The Tribunal has determined that the Landlord has failed to comply with the terms of the RSEO dated 2nd October 2023. The Decision of the Tribunal is unanimous.

Reasons for Decision

7. The terms of the RSEO issued by the Tribunal required the Landlord to produce certain documentation in relation to the Property. That documentation was required by the Tribunal to allow the Tribunal to be satisfied that the installations within the Property for the supply of gas and electricity were appropriately tested and safe to use. The documentation was also required to ensure that appropriate fire safety equipment had been installed within the Property in accordance with current regulations.
8. The Landlord has failed to provide the documentation required in terms of the RSEO.
9. The Landlord has accordingly failed to comply with the terms of the RSEO and is accordingly in breach of the terms of the RSEO.

Observations

10. In terms of Section 26 of the Act, where the Tribunal has decided that a landlord has failed to comply with a RSEO the Tribunal must further decide whether to make a rent relief order. in terms of Section 27 of the Act.
11. The Tribunal noted that the Tenants appear to have vacated the Property. The Tribunal do not have details as to whether the tenancy agreement between the Landlord and the Tenants is continuing or has been terminated. The Tribunal do not have any details of any current rent due by the Tenants to the Landlords in terms of any continuing tenancy agreement between the parties. In these circumstances the Tribunal has decided not to grant a rent relief order.

Right of Appeal

12. In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.
13. 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 the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, this decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Andrew Cowan

Chairperson
Andrew Cowan

Date 13th May 2024

Housing and Property Chamber First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber)

Re-inspection Report

Chamber Ref:FTS/HPC/RT/23/2169

Property:57 Jamieson Street Govanhill Glasgow G42 7HA



The Property was re-inspected on 13 May 2024 at 10:00 during a period of dry overcast weather. The Property appeared to be unoccupied.

The re-inspection was conducted by Andrew Cowan Legal Chair and Andrew McFarlane Ordinary(Surveyor) Member. Notification had been issued in advance to all parties, but no one attended and access was not gained for an internal inspection.

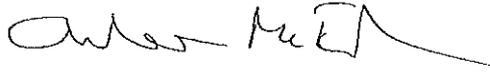
A Repairing Standard Enforcement Order was previously issued requiring the landlord to:-

1. To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.
2. To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
3. To provide evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006.
4. To repair or replace the letter box to the front door of the property.

As a result of the re-inspection the following was found:-

1. No EICR was submitted to the Tribunal.
2. No valid and up to date Gas Safety certificate in respect of the property was submitted to the Tribunal.
3. No evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006 was submitted to the Tribunal.
4. The letter box to the front door of the property had not been repaired or replaced.

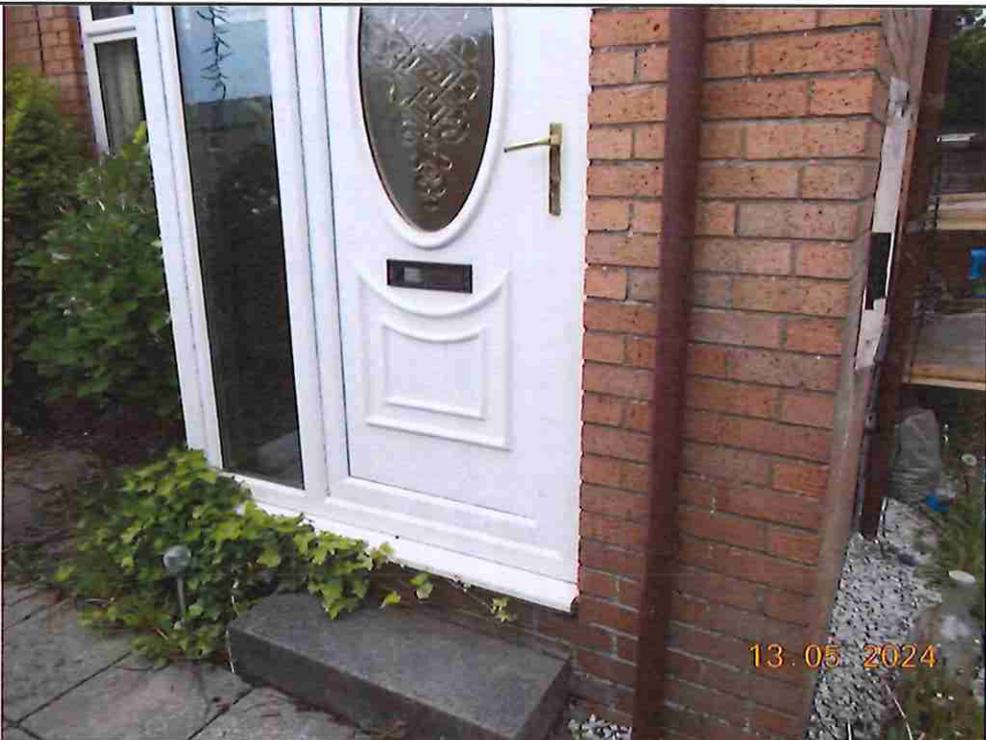
This report comprises this page, the preceding 2 pages and 2 photographs.

A handwritten signature in black ink, appearing to read 'Andrew McFarlane', with a long horizontal flourish extending to the right.

Andrew McFarlane FRICS
Ordinary Member
13 May 2024



1. View of main room through front window



2. Front door letter box with external flap missing.