

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1) of the Act

Chamber Ref: FTS/HPC/RP/21/1169

367, Glasgow Road, Hamilton, ML3 0QZ (“the Property”) registered in the Land Register of Scotland under title sheet number LAN199722

The Parties:-

Mr. Iounut Andrei Liisei residing at the Property (“the Tenant”)

And

Mrs. Lorna Abercrombie care of Rannoch Property, 1024, Maryhill Road, Glasgow G20 9JA (“the Landlord”) per her agent, Ms. Jacqui Lamb of the said Rannoch Property (“the Landlord’s Agents”)

Tribunal Members: Karen Moore (Chairman) and Greig Adams (Ordinary Member)

Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) made by it on 29 November 2021.

This Decision should be read in conjunction with Decision and RSEO both dated 29 November 2021

Background

1. By application received between 18 and 21 May 2021 (“the Application”), the Tenant applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord has failed to comply with the duty imposed on it by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Section 13(1) (h) of the Act. The Application was referred to the Tribunal by Notice of Acceptance dated 25 May 2021.
2. A Case Management Discussion (CMD) was arranged for 13 July 2021 at 10.00 by teleconference, in order to discuss further procedure in the case. The CMD was continued to 7 September 2021 at 10.00 and thereafter an Inspection of the Property was held on 26 October 2021 and a Hearing for 16 November 2021.

3. The outcome of the Inspection and Hearing was that the Tribunal imposed the RSEO requiring the Landlord to:
 - i) carry out Instruct a suitably qualified Property Care Association registered contractor to inspect and prepare a specialist damp report with specific attention given to the front left bedroom abutting the stair close;
 - ii) Carry out all works recommended in that report;
 - iii) Clean out rainwater goods, replace all cracked/split sections of cast iron downpipe and repair/overhaul as required to leave in good working order and
 - iv) Make good all décor damaged as a result of these works.

Re-Inspection

4. A Re-inspection of the Property was carried out on 14 March 2022 and the Tribunal found that the works required by the RSEO had been complied with. A photographic record of the Re-inspection was issued to the Parties, neither of whom made any comment.

Decision and Reasons for Decision

5. The Tribunal, having found at the Re-inspection that the works required by the RSEO had been complied with, was satisfied in terms of Section 60(5)(b) and so granted a Certificate of Completion.

Appeal

6. 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.

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

Signed

Karen Moore, Chairperson

1 June 2022

