

**Housing and Property Chamber  
First-tier Tribunal for Scotland**



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

**CERTIFICATE OF REVOCATION OF REPAIRING STANDARD ENFORCEMENT  
ORDER**

**Issued by the First-tier Tribunals for Scotland (Housing and Property Chamber)**

**Under Section 25(1) of the Housing (Scotland) Act 2006**

**PRHP Ref: PRHP/PA4/176/11**

**Re: The flatted dwellinghouse being the subjects situated at and known as Flat D, 202 Paisley Road, Renfrew PA4 8DS ("the Property")**

**Title Number REN73726**

**The Parties:-**

**MR ABDUL GHAFAR, residing at 240 Aitkenhead Road, Glasgow G42 0QL ("the Landlord")**

**Interested Party:-**

**MR MARIUSZ SOCHA, residing at Flat D, 202 Paisley Road, Renfrew PA4 8DS ("the Heritable Proprietor")**

**Notice to Mr Abdul Ghaffar, residing at 240 Aitkenhead Road, Glasgow G42 0QL and Mr Mariusz Socha, residing at Flat D, 202 Paisley Road, Renfrew PA4 8DS**

**CERTIFICATE OF REVOCATION**

The First-tier Tribunal for Scotland (Housing and Property Chamber) have determined as at 27 September, 2018, that the Repairing Standard Enforcement Order relative to the subjects issued 8 June 2012, previously intimated on the Landlord is hereby revoked from the date of service of this Notice.

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. The 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 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

A Cowan

Signed .....

Date ..... 1/10/18 .....

Chairperson J Glasgow

Signature of Witness.....

Date..... 1/10/18 .....

Name: Jennifer Glasgow

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Legal Secretary

# Housing and Property Chamber First-tier Tribunal for Scotland



## 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 25(1) of the Housing (Scotland) Act 2006

**PRHP Ref:** PRHP/PA4/176/11

**Re:** Flat D, 202 Paisley Road, Renfrew PA4 8DS ("the Property")

**Title Number** REN73726

The Parties:-

MR ABDUL GHAFAR, residing at 240 Aitkenhead Road, Glasgow G42 0QL ("the Landlord")

Interested Party:-

MR MARIUSZ SOCHA, residing at Flat D, 202 Paisley Road, Renfrew PA4 8DS ("the Heritable Proprietor")

### Background

- 1 On 8 June 2012, the Tribunal (formerly known as the Private Rented Housing Committee ("the Tribunal")) issued a Determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same day the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
- 2 The RSEO made by the Tribunal required the Landlord to:-
  - (a) Provide an up to date report from a qualified roofer on the condition of the roof and gutters relating to the property and carry out any repairs identified in that report to ensure the property is wind and watertight and make good any damage caused by the water ingress and associated remedial works.
  - (b) Provide an up to date report on the state of repair and working order of the central heating boiler and hot water system from a suitably qualified heating engineer and carry out any repairs identified in that report to ensure the boiler is in a safe and proper working order and in a reasonable state of repair.
  - (c) Carry out such works as are necessary to repair the gas hob in the kitchen of the property so that it is in a reasonable state of repair and in proper working order.

- 3 The Tribunal ordered that the works specified in the RSEO were to be carried out and completed within a period of 8 weeks from the date of service of the notice. Service of the notice of the RSEO was effected on the Landlord on 11 June 2012.
- 4 On 11 October 2012, the Tribunal, having made such enquiries as were appropriate, determined that the Landlord had continued to fail to comply with the RSEO in terms of Section 26(1) of the Housing Scotland Act 2006 and further determined that notice of that failure should be served on the Local Authority on which the property is situated.
- 5 On 30 August 2018, the Heritable Proprietor made contact with the Tribunal to advise that he was now the Heritable Proprietor of the property. The Heritable Proprietor has further confirmed by email that he is residing in the property and the property is no longer let. The Heritable Proprietor has confirmed that he has no current intentions to let the property. The Landlord has no continuing interest in the property.
- 6 In 2016 substantial works were carried out to the property. The Heritable Proprietor has made available photographs which show that the property has been re-roofed. In addition the Heritable Proprietor has made available an invoice of the summary works completed by Renfrewshire Council confirming the nature and extent of the work carried out to the roof of the property. The heritable proprietor does not have any statutory duty to hold certification in relation to the gas appliances in the property. It is accordingly not appropriate for the Tribunal to insist on clauses (b) and (c) of the RSEO.
- 7 Having considered the matter further (and noting the owner occupier now resides in the property) the First-tier Tribunal have determined that it is appropriate to revoke the RSEO issued 8 June 2012 from the date of service of this notice.

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. The 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 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

A Cowan

Andrew S Cowan, Chairperson

Date 1/10/18

J Glasgow

Witness

Full Name Jennifer Glasgow

Address 7 West George Street, Glasgow G2 1BA

Occupation Legal Secretary