

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Variation of Repairing Standard Enforcement Order under Section 25 of the Housing
(Scotland) Act 2006**

Land Register Title Number: GLA27092

PRHP Ref: PRHP/G41/89/10

Property Address - Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN

The Parties:-

Idris Asanai Mekal residing at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("**the tenant**")

And

Ranjat Singh, Nirmala Kaur and Partab Singh, all residing at 1 Alder Road, Mansewood, Glasgow, G43 2UY ("**the former landlords**")

And

Jitnam Properties Limited, a company incorporated under the Companies Act (company number SC344273) and having its registered office at c/o Burgoyne Carey, Pavilion 2, 3 Dava Street, Glasgow, G51 2JA ("**the new landlords**")

The Tribunal Members comprised:-

Mr James Bauld (Legal Member)

The First-tier Tribunal for Scotland (Housing & Property Chamber) ("**the Tribunal**") having determined on 8 April 2019 that the Repairing Standard Enforcement Order (RSEO) relative to the property dated 9 September 2010 should be varied, the said RSEO is varied with effect from the date of this notice in the following respects:-

1. The description of the property in the RSEO is amended to reflect the correct title number being GLA27092. Section 25 (3) of the Housing (Scotland) Act 2006 as amended does not apply in this case.

Right of Appeal

1. 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.

Please note that in terms of Section 28 (1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. The landlord (and that includes any landlord successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to the house at any time during which an RSEO has effect in relation to the house. This is in terms of Section 28 (5) of the said Act.

J Bauld

James Bauld, Chairperson

8 April 2019
Date

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision in respect of property at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("the property")

Land Register Title Number: GLA27092
PRHP Ref: PRHP/G41/89/10

The Parties:-

Idris Asanai Mekal residing at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("**the tenant**")

And

Ranjat Singh, Nirmala Kaur and Partab Singh, all residing at 1 Alder Road, Mansewood, Glasgow, G43 2UY ("**the former landlords**")

And

Jitnam Properties Limited, a company incorporated under the Companies Act (company number SC344273) and having its registered office at c/o Burgoyne CKarey, Pavillon 2, 3 Dava Street, Glasgow, G51 2JA ("**the new landlords**")

The Tribunal Members comprised:-

Mr James Bauld (Legal Member)

Background

1. On 6 September 2010, the then Private Rented Housing Committee issued a decision that the former landlords had failed to comply with the duties imposed upon them by section 14 (1) (b) of the Housing (Scotland) Act 2006 and the Committee issued a Repairing Standard Enforcement Order.
2. On 1 December 2016, the jurisdiction of the Private Rented Housing Committee was transferred to the First-tier Tribunal for Scotland Housing & Property Chamber.
3. On 15 May 2017, correspondence was sent to the office of the Tribunal from a solicitor acting for the new landlords Jitnam Properties Limited. The solicitor indicated that the Repairing Standard Enforcement Order which had been issued in respect of the property had been

registered in the Land Registers of Scotland against a property registered under title number GLA43995.

4. The solicitor for Jitnam Properties Limited indicated that the property registered under title number GLA43995 was not the property which was inspected by the Committee in 2010 nor was it the property against which the Repairing Standard Enforcement Order was intended to be registered. The solicitor provided copies of the Land Certificate for the property registered under title number GLA43995 which relates to subjects 2/1 at 253 Albert Drive, Glasgow, G41 2RN which are described as being the westmost house on the second floor above the ground floor of that tenement. The solicitor also provided a copy of the Land Certificate under title number GLA27092 which relates to the property being the eastmost house on the second floor above the ground floor of the tenement at 253 Albert Drive, Glasgow.
5. It is clear that the Committee, in issuing its initial decision and Repairing Standard Enforcement Order, had been given the wrong information with regard to the correct Land Register title number for the subjects which were inspected and which were found to be failing to comply with the Repairing Standard. The Tribunal confirms that the subjects which were inspected in 2010 were the eastmost house on the second floor of the tenement at 253 Albert Drive, Glasgow and were thus the subjects registered under Title Number GLA27092.
6. Accordingly the Tribunal's remaining member (the surveyor member and ordinary member in the original Committee now both having retired) has reviewed the initial decision and Repairing Standard Enforcement Order and the evidence produced by the solicitor acting for Jitnam Properties Limited.
7. Accordingly the Tribunal has determined that it should review its earlier decision and issue a decision to vary the existing Repairing Standard Enforcement Order.
8. The effect of the variation is to alter the initial decision and Repairing Standard Enforcement Order by replacing the erroneous title number GLA43995 with the correct title number GLA27092 throughout the said decision and Repairing Standard Enforcement Order.
9. In all other respects the Tribunal upholds the original decision made in September 2010 and the Repairing Standard Enforcement Order.
10. The Tribunal notes that at no time have they been requested to re-inspect the property to ascertain whether the repairs required in terms of the Repairing Standard Enforcement Order in 2010 have been completed. The Tribunal ordains this decision and the varied Repairing Standard Enforcement Order should be intimated to the new landlords and to their solicitors. The Tribunal indicates to the new landlords and their solicitors that the leasing or letting of a

property which is subject to a Repairing Standard Enforcement Order is a criminal offence and the Tribunal trusts that the landlords and solicitors will be aware of those provisions.

11. Accordingly the Tribunal has determined to vary the Repairing Standard Enforcement Order as narrated above.

Right of Appeal

1. 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.

J Bauld

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James Bauld, Chairperson

8 April 2019
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Date