

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) Under section 25(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/2946

Title no: REN89837

29B Orchard Street, Renfrew, PA4 8RJ being the subjects registered in the Land Register of Scotland under Title Number REN89837 ('The Property')

The Parties:-

Claire Wales or Morrison residing formerly at Flat 2/2, 2327 Dumbarton Road, Glasgow, G14 0NL and now at Flat 2/2, 4 Ashton Gate, Lenzie, G66 3ET ('the Original Landlord').

Lisa Marie Mackenzie, 36 Alloway Grove, Paisley PA2 7DG (the First New Landlord')

Ylli Pashko residing at 38 Morion Road, Glasgow, G13 ('the Second New Landlord').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Nick Allan (Ordinary Member).

Background

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to:-

1. Repair the dampness at the following locations in the Property to render the Property water tight:

1.1 **Living Room** - The internal wall between the Living room and the bedroom which was found to be saturated with dampness to a height of approximately 0.4 metres at the corner near to the bay window.

1.2 **Bathroom** - The party wall of the bathroom behind the whb + wc which was found to be saturated with dampness to a height of approximately 1.5 metres. The section of reinforced beam above and facing the bath which was also found to be saturated with dampness

1.3 **Dining/Kitchen** -

- a) The lower right hand side of the cupboard housing the boiler;
- b) The corner section of the party wall to the right of the old fireplace, and the section of the dividing wall between the dining/kitchen and bathroom above the new plasterwork at a height of approximately 1.5 metres;
- c) The wall section immediately to the right of the doorway into the utility room.

1.4 Hall Cupboard - The internal wall between the hallway cupboard and the close to a height of approximately 1.5 metres.

- 2. Repair the broken double socket in the kitchen to render it in proper working order.
 - 3. Make secure any loose sections of the kitchen flooring.
2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 15th March 2019, which was subsequently extended to 30th December 2019.
 3. The Tribunal had previously determined that item 3 of the RSEO had been satisfactorily completed.
 4. The Tenant has vacated the Property.
 5. The Tribunal inspected Property on 6th February 2020 and the relative reinspection report also dated 6th February 2020 has previously been provided to the Original Landlord. Following the inspection a hearing was held and following the hearing the Tribunal determined that the RSEO would be varied as follows:
 - ‘1. The requirement to carry out repairs to remedy the dampness in the Property specified the first sentence of paragraph 1.2 of the RSEO (The party wall of the bathroom behind the whb + wc which was found to be saturated with dampness to a height of approximately 1.5 metres) was deleted as the repairs had been satisfactorily completed.*
 - 2. The date for completion of the outstanding works required in terms of Items 1 and 2 of the RSEO is varied to 30th August 2020’.*
 6. The Original Landlord sent the Tribunal Administration an email dated 18th May 2020. She explained that given the Covid19 situation she had been unable to secure quotes or dates for the required works to be carried out and she requested an extension to complete the required works beyond August 2020.
 7. The Tribunal considered the Original Landlord’s request and determined that given the Covid19 situation it was reasonable to extend the time for completion of the required works. The Tribunal determined that the RSEO would be varied by extending the date for completion of the outstanding works required in terms of Items 1 and 2 of the RSEO to 15th October 2020.

8. The First New Landlord purchased the Property from the Landlord on 1st July 2020 and thereafter sold the Property to the Second New Landlord who purchased the Property on 29th September 2020.

9. The First New Landlord sent the Tribunal an email confirming that the outstanding works had been completed by and they provided a guarantee by Russell Preservation. The First New Landlord asked the Tribunal to consent to a new lease being granted, notwithstanding the presence of the RSEO.

10. The Tribunal are unable to inspect the Property due to Covid19 Restrictions and consequently the Tribunal are unable to confirm that the works required by the RSEO have been completed until they inspect the Property.

11. The Tribunal accept that the guarantee provided shows that works have been carried out to the Property to treat the dampness identified in the RSEO but they are unable to determine if the works are sufficient until an inspection is carried out.

12. In the circumstances the Tribunal determine:

a. The RSEO is varied so that the time limit for completion of works required by the RSEO are extended to 31st March 2021.

b. The Tribunal consent to the Property being let, notwithstanding the registration of the RSEO.

13. The decision of the Tribunal was unanimous.

14. Appeals

A landlord, tenant or third party applicant 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

J Taylor

Chairperson
Date 2 December 2020