

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of RSEO: Housing (Scotland) Act 2006 Section 25

Chamber Ref: PRHP/RP/16/0355

Title no/Sasines Description: STG57598

Re: The Bungalow, 92 Main Street, Killearn, Glasgow G63 9LF

(“The House”)

The Parties:-

Mr Ritchie Bruce and Mrs Laura Bruce, formerly The Bungalow, 92 Main Street, Killearn, Glasgow G63 9LF

(“the Former Tenants”)

Land and Property Management Limited (SC388549) with their registered office at 185 St Vincent Street, Glasgow G2 5QD

(“the Landlords”)

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 14th March 2017 that the **Repairing Standard Enforcement Order** relative to the House served on 15th February 2017 should be further varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended until 30th April 2018.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

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.

IN WITNESS WHEREOF: these presents type written on this and the preceding page are executed by Rory A. B. Cowan solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 5th December 2017 before this witness:-

R Cowan

_____ witness

chairperson

ANDREW PIRIE name in full

16 ROYAL EXCHANGE Address

SQUARE, GLASGOW

G1 3AG

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Statement of Reasons for Variation of Repairing Standard Enforcement Order:
Housing (Scotland) Act 2006 Section 25**

Chamber Ref: PRHP/RP/16/0355

Title no: STG57598

The Bungalow, 92 Main Street, Killearn, Glasgow G63 9LF

("The House")

The Parties:-

**Mr Ritchie Bruce and Mrs Laura Bruce, formerly The Bungalow, 92 Main Street,
Killearn, Glasgow G63 9LF**

("the Former Tenants")

**Land and Property Management Limited (SC388549) with their registered office
at 185 St Vincent Street, Glasgow G2 5QD**

("the Landlords")

The Tribunal consisted of:

Rory A.B. Cowan – Legal Member

Carol Jones – Ordinary Member

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having considered the Landlords' application dated 10th November 2017 to vary the Repairing Standard Enforcement Order (RSEO) relative to the House served on 15th February 2017 determines that the RSEO should be further varied to allow the Landlords additional time until 30th April 2018 to complete the works required by the order for the following reasons:

- At the hearing on 13th January 2017, the Landlords confirmed that it was their intention to substantially redevelop the House. On behalf of the Landlords, copies of proposed plans were produced, which included most of the ground

floor including parts where windows were found not to meet the repairing standard under section 13(1) of the Housing (Scotland) Act 2006 (the 2006 Act). At that stage no planning application had been made.

- In the Landlords' first application for variation of the RSEO, confirmation of an application for planning permission along with plans was produced showing the intention to redevelop the House in a manner consistent with what was stated at the hearing.
- Subsequently, the Landlords have produced further evidence (by email of 21st November 2017) that an amended Building Warrant has been issued for the House dated 19th October 2017. They have further provided a copy of their building contract with GDS Building Contracts Limited dated 9th October 2017, which confirms that work is not scheduled to be completed before 26th April 2018.
- As the Former Tenants have vacated the House and it being a criminal offence to re-let the House whilst subject to a RSEO under section 28(5) of the 2006 Act, no one is disadvantaged by granting the Landlords further time to complete the works.

Standing the information produced and the timescales for the planned building works, the tribunal agreed to extend the period allowed under the order for the works to be completed.

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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.

R Cowan

Signer

Date.....5th December 2017.....

Chairperson