

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25

Case Reference FTS/HPC/RP/21/0710

Miss Emma Mulgrew and Mr Callum Miller, Flat 102, 5 Elfin Square, Edinburgh, EH11 3BF (“the Tenants”)

Spindlehawk Ltd, a company incorporated under the Companies Acts and having its registered office at 3rd Floor, Building 2, Universal Square, Manchester, M12 6JH (“the Landlord”)

Flat 102, 5 Elfin Square, Edinburgh, EH11 3BF registered in the Land Register under Title Number MID214715 (“the Property”).

Tribunal Members: Martin McAllister, Solicitor, (Legal Member) and Andrew Murray, Chartered Surveyor, (Ordinary Member) (“the tribunal”).

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determines that the Repairing Standard Enforcement Order relative to the Property dated 21st June 2021 should varied with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the work required by the order is extended until 31st March 2022.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does 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.

In terms of Section 63 of the Act, 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.

Please note that in terms of Section 28(1) of the Act, 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. A landlord (and that includes any landlord's 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 Act.

In witness whereof these presents type written on this and the preceding page are executed by Martin Joseph McAllister, solicitor, legal member of the Tribunal, at Saltcoats on 20th January 2022 in presence of *STEPHEN CAVANI, 68 HAMILTON STREET, SALTCOATS.*

M McAllister

S Cavani