

Housing and Property Chamber First-tier Tribunal for Scotland



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

Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Tribunal

RE: All and Whole the dwelling house known as 18 Fitzalan Drive, Paisley PA3 4UE registered in the Land Register under title no REN68491 (hereinafter referred to as "the House")

The Parties:

Stephanie Strathearn, 18 Fitzalan Drive, Paisley PA3 4UE (hereinafter referred to as "the Tenant")

Leonard Heslop, 39 Crookston Drive, Glasgow G32 3LZ (hereinafter referred to as "the Landlord")

Chamber Ref: FTS/HPC/RP/18/0223

NOTICE TO LEONARD HESLOP ("the Landlord")

The Tribunal having determined on 30 October 2018 that the **Repairing Standard Enforcement Order** relative to the Property dated 6 April 2018 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respect:-

The steps which the Tribunal requires the Landlord to take in complying with the Order are amended as follows:- by extension of the period for compliance with the Repairing Standard Order until 12 December 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 seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the 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 John McHugh, Solicitor, 65 Haymarket Terrace, Edinburgh, Chairperson of the Tribunal at Edinburgh on 30 October 2018 before this witness:-

A Johnston

J McHugh

__ witness

__Chairman

ALASTAIR SAMUEL JOHNSTON name in full

65 HAYMARKET TERRACE Address

EDINBURGH

EH12 5HD

SOLICITOR Occupation

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 25(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

**All and Whole the dwelling house known as 18 Fitzalan Drive, Paisley PA3 4UE
registered in the Land Register under title no REN68491 (hereinafter referred to as
"the House")**

The Parties:

**Stephanie Strathearn, 18 Fitzalan Drive, Paisley PA3 4UE (hereinafter referred to as
"the Tenant")**

**Leonard Heslop, 39 Crookston Drive, Glasgow G32 3LZ (hereinafter referred to as
"the Landlord")**

Chamber Ref: FTS/HPC/RP/18/0223

Tribunal Members:

John McHugh (Chairman)
Greig Adams (Ordinary (Surveyor) Member)

DECISION

The Tribunal decided to vary the Repairing Standard Enforcement Order dated 6 April 2018 ("the Order") by extending the period for compliance with the Order until 12 December 2018.

Reasons for the Decision

A hearing took place at the Glasgow Tribunals Centre on 10 October 2018. The Tenant was represented by Fiona Brown of Shelter. The Landlord was present.

The parties agreed that all works had been completed with the exception of the final painting of the kitchen. The Landlord was ready and willing to complete those works which he believed could be completed quickly. The Landlord explained that there had been issues arising from an initial agreement that the Tenant would complete the works. When that had not happened the Landlord then reported that he had had access difficulties.

Having regard to the Landlord's explanation and the terms of section 25(1), the Tribunal considers that the variation of the Order to provide further time for compliance is reasonable.

The Tenant should make reasonable efforts to ensure that the Landlord is afforded access to complete the painting works. The Landlord should however note that if difficulties should arise regarding access or completion of the works he may apply to this Tribunal for assistance.

Decision

The Tribunal, considering the terms of section 25(1) of the Act, determined that the Order should be varied by extending the period for compliance with the Order until 30 June 2016.

The decision of the Tribunal was unanimous.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined

J McHugh

John M McHugh
Chairperson

Date: 30 October 2018