

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

Chamber Ref: FTS/HPC/RP/19/0407

Title Number: ELN10476

25 Vert Court, Haldane Avenue, Haddington EH41 3PX
(“The Property”)

The Parties:-

Ms Anna Stawarz, 25 Vert Court, Haldane Avenue, Haddington EH41 3PX
(represented by her agent Mr Adrian Cierpikowski, 1916 Harewood Road,
Edinburgh EH16 46F)
(“the Tenant”)

Mr Michael David Carter and Mrs Rebecca Ewart Carter, 3 Barntongate Drive,
Edinburgh EH4 8BE
(represented by their agent Rent Locally, Unit 1, 109 Swanston Road,
Edinburgh EH10 7DS
(“the Landlords”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 26 June 2019 that the RSEO relative to the House served on 7 May 2019 should be varied, the said RSEO 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 for a further one month.

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.

In witness whereof these presents type written on this and the preceding page are executed by Graham Harding legal member of the Tribunal, at Perth on the 28th June 2019 in the presence of the undernoted witness:-

A J Honeyman

G Harding

witness

Legal Member

AMANDA JANE HONEYMAN name in full

7 WHITEFRIARS CR Address

PERTH

PH2 0PA

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24 (1)

Chamber Ref: FTS/HPC/RP/19/0407

**25 Vert Court, Haldane Avenue, Haddington EH41 3PX
("The Property")**

The Parties:-

**Ms Anna Stawarz, 25 Vert Court, Haldane Avenue, Haddington EH41 3PX
(represented by her agent Mr Adrian Cierpikowski, 1916 Harewood
Road, Edinburgh EH16 46F)
("the Tenant")**

**Mr Michael David Carter and Mrs Rebecca Ewart Carter, 3 Barntongate
Drive, Edinburgh EH4 8BE
(represented by their agent Rent Locally, Unit 1, 109 Swanston Road,
Edinburgh EH10 7DS
("the Landlords")**

Tribunal Members

Graham Harding (Legal Member)

Nick Allan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("the Tribunal"), having considered the request from the Landlord's
agents for an extension of the time allowed for completion of the works
specified in the RSEO issued on 7 May 2019 and being satisfied that
satisfactory progress is being made in carrying out the work required
determined to vary the said RSEO by extending the time allowed for
completion of the works by a period of one month.**

Background

- 1. By application dated 7 February 2019 the Tenant applied to the Housing and Property Chamber for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").**
- 2. Reference is made to the decision of the Tribunal dated 7 May 2019 and the Repairing Standard Enforcement Order ("RSEO") issued by the**

Tribunal on the same date. The Landlord was given until 9 July 2019 to complete the works required in the RSEO.

3. By email dated 18 June 2019 the Landlord's representatives advised the Tribunal that the works associated with the property were underway but would not be completed until 26 July. The Landlord's representative requested an extension of time for completion of the works and provided the Tribunal with a copy of the roofing contractors report.
4. The Landlord's request for an extension of time was intimated to the Tenant who did not respond.

Reason for Decision

5. The Tribunal was satisfied from the information provided by the Landlord's representative that satisfactory progress was being made to address the works required in the RSEO and that the extension of time sought was reasonable. There had been no objection from the Tenant and accordingly the Tribunal was satisfied that an extension of time of one month was in all the circumstances reasonable.

Decision

6. The Tribunal varied the RSEO of 7 May 2019 by extending the time allowed for completion of the works by a period of one month.
7. The decision of the tribunal was unanimous.

Right of Appeal

8. **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.**

Effect of section 63

9. Where such an appeal is made, the effect of the decision and of 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.

G Harding

Signed Graham Harding Chairperson

Date 28 June 2019