

Housing and Property Chamber

First-tier Tribunal for Scotland



The First-tier Tribunal for Scotland, statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016

STATEMENT OF DECISION UNDER SECTION 25(1)(b) OF THE HOUSING (SCOTLAND) ACT 2006 (“the Act”)

RE: Property at 107 Deans South, Deans, Livingston EH54 8DU, being the subjects more particularly described in Land Certificate WLN6661 (hereinafter referred to as “the house”)

The Parties:-

Ms. Karen Walsh and Mr. Jack Freeman, both of 74 Falconer Rise, Livingston EH54 6JF (“the Landlord”)

REF: PRHP/RP/13/0113

Background

1. A Private Rented Housing Committee issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the house on 27 March 2014. This Order required the works specified in the RSEO to be completed within a period of 3 months.
2. The period for completion of works was extended to allow time for negotiations for the sale of the house to West Lothian Council. The sale did not proceed.
3. On 29 May 2015 a decision was made by the Private Rented Housing Committee that there had been failure to comply with the RSEO.
4. Since the house was unoccupied as at 29 May 2015, no rent relief order was issued.

Decision and Reasons

The First-tier Tribunal for Scotland (“the Tribunal”) have been advised in writing by an official of West Lothian Council Environmental Health Department on 17 October 2023 that the house has been demolished. The Tribunal has unanimously decided that the RSEO over the house be revoked as the work required by the Repairing Standard Enforcement Order (“RSEO”) is no longer necessary. The house is no longer in existence. A notice will be issued to Registers of Scotland to remove the RSEO registered on 28 Jul 2015 in the Land Register against the title to the house.

APPEAL PROVISIONS

A Landlord 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.

Mrs. A Devanny
Chamber President,
29th October 2023