

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision: Housing (Scotland) Act 2006: (the Act).

Chamber Ref: FTS/HPC/RT/23/0817

33 Selkirk Avenue, Glasgow, G52 3EL registered in the Land Register under Title Number GLA38749 ("the Property")

The Parties:-

Glasgow City Council, Exchange House, 231 George Street, Glasgow, G1 1RX ("the Third Party Applicant")

Mr Ronald Edgar and Ms Nicola Bytheway, 33 Selkirk Avenue, Glasgow, G52 3EL ("the former Tenants")

Mr Gerald Cannon, 2 Langlook Crescent, Glasgow, G53 7NR ("the Landlord")

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Mike Links, Surveyor (Ordinary Member) ("the tribunal")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determines that the Repairing Standard Enforcement Order relative to the Property dated 14 June 2023 has been complied with.

Background

1. A repairing standard enforcement order (RSEO) dated 14 June 2023 had been made in the following terms:

The Landlord was required to:

- 1.1 Repair the window in the bedroom leading from the living room so that it opens and closes in a safe and efficient manner.**
 - 1.2 Repair the steps at the entrance of the Property to ensure that they are safe to the Tenants and others entering or exiting the Property.**
 - 1.3 Ensure that the smoke detector in the hallway of the Property is properly interlinked with the smoke detector in the living room and the heat detector in the kitchen.**
 - 1.4 Instruct a reputable roofing contractor to carry out an inspection of the roof and rainwater goods of the Property and provide a report. The Landlord is thereafter to carry out any work recommended in the report and to ensure that the roof is wind and watertight. Any work undertaken requires to have regard to the possibility that a licensed asbestos contractor may be required to oversee and deal with removal of tiles. A copy of the report is to be provided to the Tribunal prior to any necessary repairs or renewals being instructed by the Landlord.**
 - 1.5 Instruct a reputable damp specialist to carry out an inspection of the Property to address the issues of dampness at the chimney breast wall in the living room and the mould occurring throughout the Property as identified in this Decision, and thereafter to undertake any works which are recommended. A copy of the report is to be provided to the Tribunal prior to any necessary repairs or renewals being instructed by the Landlord.**
2. Subsequent to the RSEO being made, the tenancy was terminated and the former Tenants are no longer parties to the application.
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3. Following upon an inspection of the Property on 6 November 2023, the tribunal was satisfied that some of the matters detailed in the RSEO had been complied with. It varied the RSEO as follows:
 - 3.1 The Landlord is to investigate and eradicate the dampness in the chimney breast of the living room.**
 - 3.2 The Landlord is to ensure that the smoke detector in the hallway of the Property is properly interlinked with the smoke detector in the living room and the heat detector in the kitchen.**

3.3 The period allowed for the completion of the work required by the RSEO was extended to 31 January 2024.

Inspection on 11 December 2023

4. The tribunal inspected the Property on 11 December 2023. The Landlord was present. A schedule of photographs prepared by the Ordinary Member is attached to this Decision.
5. The tribunal was satisfied that the smoke detector in the hallway of the Property is properly interlinked with the smoke detector in the living room and the heat detector in the kitchen.
6. Work had been carried out to the chimneybreast wall in the living room. It had been replastered. The Landlord said that the original plaster had been removed, plasterboard had been installed and the wall had been replastered.
7. The Ordinary Member carried out tests on the chimneybreast wall with a moisture meter and no dampness was detected.

Disposal

8. The tribunal determined that the RSEO had been complied with and issued a Certificate of Compliance.

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.

**Martin J. McAllister, solicitor,
Legal Member of the Tribunal.
12 December 2023**