

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

Reference number: FTS/HPC/RP/22/3634

Re: Property at Flat 3/1 55 Friarton Road, Glasgow, G43 2PP (“the Property”)

Title No: GLA88722

The Parties:

Ms Natasha Vrachliotis, residing at Flat 3/1 55 Friarton Road, Glasgow, G43 2PP (“the Tenant”)

Newlands Property Holdings Ltd, a company incorporated under the Companies Acts and having their registered office at 1 Merrylee Road, Newlands, Glasgow, United Kingdom, G43 2SH (“the Landlord”)

Tribunal Members:

P Doyle (Legal Member)

A McFarlane (Ordinary Surveyor Member)

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) finds that the landlord has failed to comply with the Repairing Standard Order made on 19 January 2023 and declines to certify that the work required by the Repairing Standard Enforcement Order relative to the Property made on 19 January 2023 has been completed. Accordingly, the said Repairing Standard Enforcement Order remains in place.

Background

(1) On 19 January 2023 the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) issued a decision requiring the Landlord to

comply with the repairing standard enforcement order (“RSEO”) made by the tribunal on 19 January 2023. The tribunal tried to reinspect the property on 28 June 2023, but could not gain access to the property. The tribunal re-inspected the property on 5 October 2023.

(2) The Repairing Standard Enforcement Order (“RSEO”) required the Landlord to

- (a) Replace the roof finishes, including the flat roofed areas, and the rainwater goods.
- (b) Dry and repair Internal finishes damaged by exposure to water penetration.
- (c) Replace the loft insulation.
- (d) Install humidistat-controlled extract fans in the kitchen and bathroom.
- (d) Redecorate the inside of the property to remove the signs of water staining.

All within 4 Months of service of the RSEO

Re-inspection

(3) On 5 October 2023 tribunal members reinspected the property. During the inspection, the surveyor member took photographs, which form part of the reinspection report attached to this decision.

(4) Despite the fact that there was no one to provide access to the property (for a second time), tribunal members were able to inspect the exterior of the property.

(5) Tribunal members inspected the property from the back green, and from the adjacent streets which allow a clear view of the rear of the property, of the roof and of the rainwater goods.

(6) Tribunal members could see that there had been some repointing of the ridge tiles on the roof, but no other repairs have been carried out. The roof finishes have not been replaced and the rainwater goods have not been replaced.

(7) From the back green, tribunal members had a clear view of the exterior of the property’s kitchen and bathroom. Tribunal members could see that humidistat-controlled extract fans have not been installed.

(8) Tribunal members had no access to either the loft space or the interior of the property, but they could see that no attempt has been made to carry out the work specified at (a) of the RSEO.

(9) The Surveyor member's reinspection report was circulated to parties. No response was received.

(10) The tribunal cannot be satisfied that any part of the RSEO has been complied with.

DECISION

(11) The only conclusion that the Tribunal can come to is the works required by the RSEO have not been completed. The tribunal therefore refuse to issue a certificate of completion of works in terms of s. 60 of the Housing (Scotland) Act 2006 because the landlord has failed to comply with the RSEO made on 19 January 2023.

Right of Appeal

(12) In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

(13) 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.

Signed
Legal Member

31 October 2023