

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement Of Decision to Vary Repairing Standard Enforcement Order: Housing (Scotland) Act 2006, Section 25(1)(a)

Chamber Ref: FTS/HPC/RP/16/1021

Flat 3/1, 17 Lawn Street, Paisley, PA1 1HD
("The property")

The Parties:-

Ms. Kuilin Liu, Flat 3/1, 17 Lawn Street, Paisley, PA1 1HD ("the applicant")

**Dr Jenny Wong and Mr Kai Chi Loi, 9/1, 15 Kirkton Avenue, Glasgow,
G13 3PF** ("the respondents")

Tribunal Members:

Adrian Stalker (Chairman) and Kingsley Bruce (Surveyor Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), decided to further vary the RSEO served on 13 March 2017 with effect from the date of service of this Notice, in that the period allowed for the completion of the work required by the order is extended to 10 September 2018.

Findings; reasons for decision

1. Reference is made to the tribunal's previous determinations in this case, including the previous decisions to vary the RSEO by allowing further time for the completion of the work required by the order.
2. Following further representations by Dr Wong, on behalf of both respondents, as progress of the work, the tribunal has arranged for a re-inspection to be carried out on 12 September 2018. This variation allows the respondents further time to carry out the work, in advance of that re-inspection.
3. The tribunal considers that section 25(3) applies in this case: the work required by the RSEO has not been completed during the period required by the order, and it considers that satisfactory progress has been made in carrying out the work required.

4. The tribunal finds in fact that the applicant left the property some months ago, and it is not currently let. It should not be let until the work is completed, as it does not currently meet the repairing standard.
5. The tribunal proceeded to vary the RSEO under section 25(1)(a), which Variation is referred to for its terms.
6. The decision of the tribunal was unanimous.
7. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.
8. **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.**
9. 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.

Adrian Stalker

Signed

Date 22 June 2018

Chairman

