

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1) of the Act

Chamber Ref: FTS/HPC/RP/21/3034

Re: Property at 63 Stewart Road, Falkirk, FK2 7AQ registered in the Registers of Scotland under Title Number STG73635 (“the Property”)

The Parties:

Mr. Duncan McPhee residing at the Property (“the Tenant”)

And

Mrs. Mee Tiang (“the Landlord”) care of her agents, **Purple Bricks Group plc**, having a place of business at **Cranmore Place, Cranmore Drive, Solihull, B90 4RZ** (“the Landlords’ Agents”)

Tribunal Members:

K Moore (Chairman) and S Hesp (Surveyor and Ordinary Member)

Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) made by it on 8 June 2022.

This Decision should be read in conjunction with Decision and RSEO both dated 8 June 2022

Background

1. By application received on 30 November 2021 (“the Application”), the Tenant of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on her by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1)(a) and 13(1)(d) of the Act. The Application comprised a copy of the tenancy agreement between the Parties, copy email correspondence between the Tenant and the Landlords’ Agents regarding repairs to the Property and photographs of the condition of the Property. The Application was referred to the Tribunal. An Inspection of the

Property was fixed for 10 February 2022 with a Hearing fixed for 17 February 2022. The Inspection and Hearing and a later Inspection were cancelled and re-scheduled to 31 May 2022 at 10.00 and 14.00 respectively.

Inspection and Hearing

2. The Inspection of the matters complained of in the Application took place at the Property on 31 May 2022 at 10.00. The Tenant and the Landlord were present. At the Inspection, the Tenant advised that the bathroom window had been repaired. The Hearing took place on 31 May 2022 at 14.00 by telephone conference call. The Tenant and the Landlord were present. The Tenant was accompanied by and represented by his mother, Mrs. Sheena McPhee, who spoke on his behalf. The outcome of the Inspection and Hearing was that the Tribunal imposed the RSEO.

Re-Inspection

3. A Re-inspection of the Property was carried out on 22 September 2022. The Tenant was not present. The Landlord was present and accompanied by her cousin. and the Tribunal found that the works required by the RSEO had been complied with. The Tribunal made a photographic record at the Re-inspection which was issued to the Parties for comment. Neither party made any comment.

Decision and Reasons for Decision

4. The Tribunal, having found at the Re-inspection that the works required by the RSEO had been carried out and having found that a satisfactory EICR had been submitted, was satisfied in terms of Section 60(5)(b) that the RSEO had been complied with and so granted a Certificate of Completion.

Appeal

5. 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.

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

K Moore, Chairperson

6 November 2022

