

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Notice of a decision to Vary

A Repairing Standard Enforcement Order

ordered by the Tribunal

Tribunal Ref:

Re :. All and Whole the dwelling house known as 44 Robert Street, Stonehaven AB39 2DJ registered in the Land Register and having Title No KNC23341 (“the Property”)

The Parties:-

Mr Gordon Dickson (“the Tenant”)

Mr Roger Clarke, Mr Roger Martin Clarke, Mrs Carolyn Clarke, Mrs Carolyn Sarah Clarke, c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL; c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL (“the Landlord”)

NOTICE TO ROGER AND CAROLYN CLARKE (“the Landlord”)

The Private Rented Housing Committee having determined on 5 February 2020 that the **Repairing Standard Enforcement Order** relative to the Property dated 6 June 2019 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respect:-

The time for compliance is extended until 31 May 2020.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

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.

In witness whereof these presents type written on this and the preceding page are executed by John McHugh, Solicitor, 65 Haymarket Terrace, Edinburgh, Chairing Member of the Tribunal at Edinburgh on 5 February 2020 before this witness:-

J McHugh

_____ witness _____ Chairing Member

_____ name in full

65 Haymarket Terrace Address

Edinburgh

EH12 5HD

Housing and Property Chamber First-tier Tribunal for Scotland



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

DETERMINATION BY THE TRIBUNAL

STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 25(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

Property at 44 Robert Street, Stonehaven AB39 2DJ (hereinafter referred to as "the House")

Mr Gordon Dickson ("the Tenant")

Mr Roger Clarke, Mr Roger Martin Clarke, Mrs Carolyn Clarke, Mrs Carolyn Sarah Clarke, c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL; c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN; 33 Delamere Road, London, Ealing, W5 3JL ("the Landlord")

TRIBUNAL REFERENCE FTS/HPC/RP/19/0904

DECISION

The Tribunal decided to vary the Repairing Standard Enforcement Order dated 6 June 2019 ("the Order") by extending the period for compliance with the Order until 31 May 2020.

Reasons for the Decision

The Tribunal considered the oral written submissions made to the Chairman at the hearing of a related application involving the same parties on 30 January 2020.

The Landlord advises that the House is empty and is on the market for sale. It is not to be re-let. There had been communication issues between the Landlord and his letting agents which issues were well documented in the other application. The Landlord lives in England but is now making direct arrangements with local

tradesmen to address the remaining works required by the RSEO. It appears reasonable to extend the time for compliance in these circumstances.

Decision

The Tribunal, considering the terms of section 25(1) of the Act, determined that the Order should be varied by extending the period for compliance with the Order until 31 May 2020.

The decision of the Tribunal was unanimous.

Right of Appeal

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.

J McHugh

John M McHugh
Chairman

Date: 5 February 2020