

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 25(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/2454

Title no: LAN120501

44 Knockburnie Road, Bothwell, Glasgow, G71 8LW being the subjects registered in the Land Register of Scotland under Title Number LAN120501 ('The Property')

The Parties:-

Nighat Nazir Ferguson residing formerly at 4 Gryffebank, Houston and now at care of Manak, 1 Princes Gardens, Glasgow, G12 9HP ('the Landlord').

Miss Monica Quigley residing at 44 Knockburnie Road, Bothwell, Glasgow, G71 8LW ('the Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Lori Charles (Ordinary Member).

Background

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to:-
 - 1.1 Exhibit a valid current and compliant EICR Certificate for the Property.
 - 1.2 Exhibit a valid current and compliant Gas Safety Certificate for the Property.
 - 1.3 Repair or replace the defective roof covering of the garden shed.
 - 1.4 Repair or replace the defective guttering at the rear extension to render it in proper working order.
 - 1.5 Repair the defective rendering around the front bedroom window and the front door.
 - 1.6 Replace the missing temperature control of the front bedroom radiator.
 - 1.7 Install a radiator in the kitchen or adapt/ repair/ replace the capped off pipes from the former radiator in the kitchen to render them in a safe condition.

1.8 Repair or replace the defective window latches of the windows in the front bedroom.

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 28th February 2019, which was subsequently extended to 31st March 2019.
3. Ruthven, Keenan Pollock & Co, the Landlord's solicitors sent a letter to the Tribunal dated 18th March 2019 requesting a further extension to allow the Landlord to complete the works as their application to the Tribunal for assistance in gaining entry to the property case reference (FTS/HPC/RE/19/0437) was still being processed.
4. Separately the Tribunal received an email from the Tenant dated 20th March 2019 which advised:
'I have had no correspondence whatsoever from the Landlord. I sent 3 emails in January asking when they will be requiring access as I have to give my employer 1 month notice for Annual Leave. Rather than responding they sent Mr Manak and a Locksmith and changed the locks. Police were called and Mr Manak was cautioned with a breach of peace and threatening behaviour. 5 days later the police allowed us access to our belongings as Shelter advised Police Scotland that the landlords actions were illegal. Now they are requesting access!! I advised them I think it's best for the Tribunal to rule on access as do not think it appropriate for Mr Manak to be in attendance due to his recent conduct. I do not see why they should get an extension when it's their actions that have caused the delay. I had NO Communication from them, however had they replied to my emails regarding access rather than turn up and change the locks, they would have had access by now and this would be over and done with. Personally I feel they have had ample opportunity, the shed roof blew off in June last year, that's 9 months!!'

Decision and Reasons

5. The Tribunal considered the parties' representations. They understand that access to the Property has been arranged for 29th April 2019 at 11am under application FTS/HPC/RE/19/0437. In the circumstances they considered that an extension to 31st May 2019 for completion of the required works to be reasonable.
6. The Tribunal therefore decided that they would vary the RSEO as stated.
7. The decision of the Tribunal was unanimous.

Appeals

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.

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 Taylor

Signed.....
Chairperson

..... Date 10th April 2019

