

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006, Section 25

Reference number: FTS/HPC/RP/22/0117

Re: House at Flat 0/1, 67 Marine Parade, Dunoon, PA23 8HF registered in the Land Register of Scotland under Title Number ARG4822 (“the House”)

The Parties:

Mrs. Marion Wedlock, Flat 12, 5 Lochinvar Drive, Edinburgh EH5 1GJ (“the Landlord”)

Tribunal Members:

Susan Christie (Legal Member) and Nick Allan, surveyor, (Ordinary Member)

Notice to Mrs Marion Wedlock, the Landlord

The First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) having determined that the Repairing Standard Enforcement Order (RSEO) relative to the House dated 20 April 2022 should be varied, the said RSEO is hereby varied with effect from the date of service if this notice in the following respects: -

1. The period allowed for the completion of works and submission of documents required by the orders in the RSEO is extended to 5 January 2023.

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 typewritten on this and the preceding page are executed by Susan Christie, Legal Member and Chair of the tribunal at Glasgow on 16 October 2022 before this witness:

S Christie

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision with Statement of Reasons for: Variation of Repairing Standard Enforcement Order (RSEO), Housing (Scotland) Act 2006, Section 25

Reference number: FTS/HPC/RP/22/0117

Re: House at Flat 0/1, 67 Marine Parade, Dunoon, PA23 8HF registered in the Land Register of Scotland under Title Number ARG4822 (“the House”)

The Parties:

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Tribunal Members:

Susan Christie (Legal Member) and Nick Allan, surveyor, (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”), having taken into account of the Landlord’s written submission and having re-inspected the House on 12 October 2022, varies the Repairing Standard Enforcement Order (RSEO) date 20 April 2022, in terms of section 25 of the Housing (Scotland) Act 2006, to the effect of varying the RSEO to extend the period of time allowed for the works specified in the Orders in the RSEO to 5 January 2023.

Reasons

1. Reference is made to the RSEO and Decision of the tribunal both 20 April 2022, ordering the works specified in the RSEO had to be completed within 16 weeks of the date of service of the said RSEO Notice. The date for compliance with the RSEO has passed.
2. Since the RSEO was made, the former tenant has moved out and is no longer party to the proceedings. The tribunal determined it was appropriate to proceed with the proceedings.
3. The Landlord advised the tribunal on 19 August 2022 that certain aspects of the remedial work had been completed.

4. On 12 October 2022 the House was re-inspected by the tribunal and found that satisfactory progress had been made in the carrying out of some of the work required.
5. Further the tribunal had received a written application from the Landlord seeking an extension of time due to difficulties she has experienced in getting tradespeople / contractors to attend the House to rectify the issues highlighted in the RSEO. She had contacted a further two damp specialist companies to make further attempts to obtain a report on the source of dampness and sought a time extension to allow her to obtain a report.
6. In light of the fact that some works had been carried out and that further efforts were being made to comply with the terms of the RSEO, the tribunal decided to grant and extension to the effect of varying the RSEO to extend the period of time allowed for the works specified in the Orders in the RSEO to 5 January 2023. The tribunal's decision is unanimous.

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.

S Christie

Susan Christie,
Legal member and Chairperson,
16 October 2022