

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

Chamber Ref: PRHP/RP/16/0143

Title no: WLN24264

27 Cultrig Drive, Whitburn, West Lothian EH47 8HN
(**"The Property"**)

The Parties

Ryan Deacon, residing at 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN
(**"the tenant"**)

and

George Weir & Ann Isobel Weir, residing at 34 Holm Road, Crossford, Lanark ML8
5RG
(**"the landlord"**)

Tribunal Members

Paul Doyle	Legal Member
Charles Reid-Thomas	Ordinary Member

The First-tier Tribunal for Scotland (**"The Tribunal"**) having considered representations from the landlord, determined on March 2017 that the Repairing Standard Enforcement Order relative to the property, served on 16 August 2016 should be varied. The said Repairing Standard Enforcement Order is hereby varied from the date of service of this notice in the following respect:

The period allowed for the completion of the work required by the order is extended for a further three months from the date of service of this notice.

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

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 are executed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee, at Edinburgh on 6 April 2016 before Joseph Doyle, 24 Haddington Place, Edinburgh.

P Doyle

J Doyle

...Witness

Legal Member

Joseph Doyle
24 Haddington Place
Edinburgh

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

Chamber Ref: PRHP/RP/16/0143

Title no: WLN24264

27 Cultrig Drive, Whitburn, West Lothian EH47 8HN
(**"The Property"**)

The Parties

Ryan Deacon, residing at 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN
(**"the tenant"**)

and

George Weir & Ann Isobel Weir, residing at 34 Holm Road, Crossford, Lanark ML8 5RG
(**"the landlord"**)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given an extension of a further three months to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act")

Tribunal Members

Paul Doyle	Legal Member
Charles Reid-Thomas	Ordinary Member

Background

1. Reference is made to the determination of the committee dated 21 June 2016, which determined that the Landlord had failed to comply with the duty imposed by section 14 (1)(b) of the Act, and that he failed to ensure that the property met the repairing standard. The works required by the RSEO were:

(i) Repair or replace the timer on the gas central heating boiler and thereafter provide the PRHP with a report from a suitably qualified, and Gas Safe registered heating engineer on the condition of the gas central heating boiler, &, if necessary, carry out any further repairs or replacement to ensure that the boiler is in proper working order.

(ii) Repair or replace the front door, the double hallway doors and the patio doors to the rear of the property.

(iii) Repair or replace the PVC drainage serving the kitchen sink and fit a properly working overflow drain pipe to the kitchen sink.

2. A re-inspection of the property was arranged for 24 November 2016. On 31 October 2016 the landlord wrote to the Tribunal (formerly the PRHP) saying that he could not complete the works until January 2017 and asking for further time to complete the works required. In the meantime, the tenancy has been lawfully terminated and the tenant has removed from the property. On 22 November 2016 the Tribunal varied the RSEO so that the Landlord had until 31 January 2017 to complete the works.

3. The Landlord contacted the Tribunal again in January 2017 to say that the estimated time for works had been unduly optimistic, and that tradesmen would not be able to complete the works before April 2017.

4. The Tribunal considered whether to grant the Landlord a further extension of time to allow the required works to be carried out under the RSEO. The Tribunal noted the extent of the works required to comply with the terms of the RSEO and the Landlords' willingness to carry out the works. The tenancy is at an end, so that the tenant suffers no prejudice as a result of the delay. On that basis, the Tribunal was satisfied that it was appropriate to extend the period for compliance with the terms of the RSEO by a further three months from the date of service of the accompanying decision to Vary a Repairing Standard Enforcement Order under the Housing (Scotland) Act 2006 Section 25(1).

5. The decision of the Committee was unanimous

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

P Doyle

Signed....
Legal Member



6 April 2017