

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Variation of Repairing Standard Enforcement Order made in terms of Sections 25(1) and 25(2) of the Housing (Scotland) Act 2006**

**Property: Kennel Cottage, Balgray, Lockerbie, Dumfriesshire DG11 2RL ("the Property"/ "the house")**

**Sasine Description: All and Whole the detached cottage known as Kennel Cottage, Balgray, Lockerbie, Dumfriesshire DH11 2JT with ground pertaining thereto, being part of the subjects more particularly described in and disposed by Disposition by the Trustees of David Jardine Paterson in favour of Michael John Jardine Paterson dated 16 May and subsequent dates and recorded in the Division of the General Register of Sasines applicable to the County of Dumfries on 2 December, all in the year 1980.**

**Chamber Reference: FTS/HPC/RT/19/3429**

**Parties:**

**Dumfries and Galloway Council Strategic Housing Services, Council Offices, Buccleuch Street, Dumfries DG1 2AD ("Third Party Applicant")**

**Wellingtonia LLP, a Limited Liability Partnership incorporated in England (LLP Reg No OC416665) whose registered office is Fairview House, Victoria Place, Carlisle CA1 1EX ("the Landlord")**

**Interested Party - Mr Jason Christie, Kennel Cottage, Balgray, Lockerbie, Dumfriesshire DG11 2RL ("the Interested Party")**

**Tribunal Members - George Clark (Legal Member/Chairperson) and Mike Links (Ordinary Member/Surveyor)**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), decided, in terms of Sections 25(1) and 25(2) of the Housing (Scotland) Act 2006, to vary the Repairing Standard Enforcement Order in respect of the Property made on 9 March 2020 ("the Order"), to allow the Landlord until 31 December 2020 to complete the works required by the Order.**

## **Background**

On 9 March 2020, the Tribunal made a Repairing Standard Enforcement Order, requiring the Landlord to:

1. Carry out such repairs to or renewal of the defective roof slating and guttering to the brick outbuilding of the Property as are necessary and ensure it is wind and watertight and in a safe condition.
2. Complete in a satisfactory manner the ongoing repairs to the front boundary wall of the Property.

The Tribunal ordered that the works required must be carried out within the period of six months from the date of service of the Order.

On 4 September 2020, the Landlord's agents requested an extension of the time limit for completing the works required by the Order. They stated that the COVID-19 lockdown and other restrictions had resulted in their approved contractors having a large backlog of scheduled work. As a result, it was unlikely that they would be able to comply with the requirement to complete the works within the time limit stated in the Order, which they calculated to be 16 September 2020. They asked for an extension to 31 December 2020.

## **Reasons for Decision**

The Tribunal accepted that the COVID-19 restrictions had resulted in the Landlord's approved contractors not being able to carry out the work required by the Order and was satisfied that the extension period sought was reasonable.

## **Decision**

The Tribunal decided, in terms of Sections 25(1) and 25(2) of the Housing (Scotland) Act 2006, to vary the Repairing Standard Enforcement Order in respect of the Property made on 9 March 2020 ("the Order"), to allow the Landlord until 31 December 2020 to complete the works required by the Order.

## **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.**

**IN WITNESS WHEREOF** these presents, typewritten on this and the preceding two pages, are subscribed by George Barrie Clark, Legal Member/Chair, at Lasswade on 7 September 2020, before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

**Clark**

..... Legal Member/Chair

**Clark**

..... Witness