

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision: Section 25(1) of the Housing (Scotland) Act 2006: (the Act).

Chamber Ref: FTS/HPC/RP/23/1551

21 Redstone Avenue, Kilwinning, Ayrshire, KA13 7JQ, Registered in the Land Register of Scotland under Title Number AYR53905 (“the Property”)

The Parties:-

Ms Caitlyn Greenwood, 21 Redstone Avenue, Kilwinning, Ayrshire, KA13 7JQ (“the Tenant” and “the Applicant”)

Mr Keith Marwick and Ms Isabel Marwick, 67 Dalry Road, Kilwinning, KA13 7HN (“the Landlord” and “the Respondent”)

Tribunal Members:

Martin McAllister, Solicitor (Legal Member) and Donald Wooley, Chartered Surveyor (Ordinary Member) (“the tribunal”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determines that the Repairing Standard Enforcement Order relative to the Property dated 17 October 2016 should be further varied with effect from the date of service of this Notice as follows:-

Decision

The period allowed for the completion of the work required by the order is extended until 28 February 2024.

Background

The tribunal inspected the Property on 24 August 2023 and issued a Decision on 4 September 2023. On 16 October 2023, the tribunal issued a repairing standard enforcement order (RSEO) in the following terms:

The Landlord is to resolve issues of dampness and condensation in the Property identified by the tribunal during its inspection on 24 August 2023, supported by the subsequent report by Rowallen Specialist Surveys dated 5 October 2023, by whatever means are appropriate and effective to ensure that the Property is reasonably fit for human habitation.

The Landlord was required to comply with the RSEO by 8 December 2023.

Deliberations and Decision.

1. On 27 October 2023, the Tenant's Representative contacted the Tribunal and stated that, because of family issues, the Tenant would not be able to allow access to the Property until the early part of 2024 and requested that consideration be given to variation of the RSEO to give the Landlord until 28 February 2024 to comply with its requirements.
2. The tribunal considered matters. The Landlord would require access to the Property to carry out works to enable compliance with the RSEO. The Tenant has caring issues which gives her difficulties in providing access to the Property. The tribunal considered it reasonable to accede to the request of the Tenant.
3. The tribunal determined that the RSEO be varied in its terms. Compliance with the RSEO requires to be achieved by 28 February 2024.

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.

In terms of Section 63 of the Act, 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.

M McAllister

**Martin J. McAllister, solicitor,
Legal Member of Tribunal.
13 November 2023**