

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 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/22/4470

54 Shore Road, Stevenston, KA20 3LP being the subjects registered in the Land Register of Scotland under Title number AYR97237 ("the Property")

The Parties:-

Lynne Benson residing at 54 Shore Road, Stevenston, KA20 3LP ("The Tenant")

Alister Meek, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, KA22 8DG ('The Tenant's Representative')

John Murphy and Margaret Murphy residing at 58B Ardoch Crescent, Stevenston, KA20 3PP ("The Landlord")

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord to:-

One. Repair or replace the rear external door, surrounding timber panelling and framework, ensuring that they are fully functional, wind and watertight and in all other respects reasonably fit for human habitation.

Two. Repair or renew missing brickwork around the "hole" in the kitchen/utility area external wall and make good the surrounding rendering.

Three. Provide the Tribunal with written confirmation from a suitably qualified electrical contractor that the exposed wires in the dining room may be safely returned to the void immediately above the ceiling plaster and thereafter repair all holes in the ceiling plaster and redecorate as necessary.

Four. Install a carbon Monoxide detector in accordance with "Scottish Government statutory guidance for the provision of carbon monoxide alarms in private rented housing". Unless otherwise indicated by the manufacturer, CO detectors should be ceiling mounted and positioned at least 300mm from any wall or, wall mounted and

positioned at least 150mm below the ceiling and higher than any door or window within the room.

The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 30th June 2023.

2. The Tribunal inspected the Property on 11th September 2023. The re-inspection report is attached as a Schedule to this Decision. As evidenced in the re-inspection report the required works have been completed.

3. The Tenant's representative was sent a copy of the re-inspection report by email dated 15th September 2023. The Tenant's representative replied by email dated 21st September 2023 and made no comments on the terms of the reinspection report or whether a hearing was required. He advised that there was an additional leak to the kitchen ceiling.

4. The Landlord was sent a copy of the re-inspection report by email dated 15th September 2023. The Landlord sent the Tribunal written representations which were received on 28th September 2023. They advised that they agreed with the terms of the reinspection report and they wished a hearing as they wanted to give their side of the story.

5. Decision

The Tribunal are satisfied that requirements of the RSEO have been satisfactorily completed and determined to certify that the terms of the RSEO have been completed. The Tribunal do not consider that a further hearing is necessary. The additional leak to the kitchen ceiling referred to by the Tenant's representative did not form part of the original application, was not present at the date of the initial inspection and would have to be referred to the Tribunal in a fresh application if the repair works were not completed.

6. The decision of the Tribunal was unanimous.

7. 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.....Date **16th October 2023**
Chairperson