



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

STATEMENT OF DECISION in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 (“the Act”) and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Reference number: FTS/HPC/RP/18/3039

Re: Property at 7 Runic Place Ruthwell Dumfries DG1 4NW, being the subjects more particularly described in Disposition in favour of Albert Fergus Dodds and recorded in the Division of the General Register of Sasines for the county of Dumfries on 26 May 1986 Search Sheet 26551 volume 155 Folio 56 (“the Property”)

The Parties:

Dumfries and Galloway Council per its employee Mr Adam Black Housing and Licensing Standards, Governance and Assurance, Dumfries and Galloway Council, Militia House, English Street, Dumfries DG1 2HR as third-party applicant in terms of section 22(1A) of the Act (“the third-party applicant”)

Mr. Raymond Swan and Miss Marion Carruthers both residing at 7 Runic Place Rothwell Dumfries DG1 4NW (“the Tenants”) per their nominated representative in terms of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“ the rules”) Alasdair Bryce, Pollock and McLean, Solicitors , Dumfries (“ the Tenants’ representative”)

Mr. David Stainthorpe residing at Alandale, Ruthwell Dumfries DG1 4NN.(“ the landlord”)

Tribunal members

James Bauld (Chairman) and Mike Links (Ordinary Member)

Background

1. This application was lodged in November 2018 and after sundry procedure the tribunal made a Repairing Standard Enforcement Order ("RSEO") dated 20 March 2019.
2. That order was varied on 11 September 2019 and notice of the varied order was given to the landlord.
3. The terms of the RSEO as varied required the landlord to
 - ***Instruct a Royal Institution of Chartered Surveyors registered building surveyor to carry out a full inspection of the roughcasting and all external parts of the property and to provide a fully documented report on the roughcasting, the living room window, the roof tiles, the external doors and the guttering ("the External Survey Report") the purpose of which external survey report is to recommend works to all parts of the property, including replacement if necessary, to ensure that the dampness in the property is eradicated and that the property is made wind and watertight and in a reasonable state of repair***
 - ***Submit the external survey report to the tribunal and provide a copy to the Tenants and the third-party applicants***
 - ***Instruct a Scottish Building Federation registered building contractor capable of providing a 10 year guarantee repair to carry out the works recommended by the external survey report and confirm in writing to the tribunal, the tenants the third-party applicants the identity of the building contractor the date on which the works will commence and the estimated date for the completion and***
 - ***Make good any decor damaged as a result of these works***

Reinspection and subsequent responses from parties

4. On 7 December 2023 a reinspection took place and the tribunal issued a report of that reinspection. The tribunal invited parties to respond to the content of the reinspection report.
5. Having received responses from the parties the tribunal determined that a further hearing was required and that hearing took place on 24 April 2024
6. The third party applicant was represented by Mr. Black. The tenants were represented by Mr Alistair Bryce. The respondent was personally present.
7. Parties were questioned by the tribunal regarding the terms of the reinspection report and subsequent documents which had been produced by the Landlord
8. The Representative for the third party applicant and the solicitor for the tenants both noted the position which had been taken by the tribunal and set out in the reinspection report that the works as set out in the RSEO had effectively been completed and that the tribunal was minded to make an order revoking the RSEO.
9. It was noted that the applicants' position was that the property now required the installation of the fixed central heating system, which has now become part of the repairing standard with effect from 1 March 2024. Parties accepted that this requirement did not form part of the repairing standard when the orders were made nor when the inspection took place in December 2023
10. It was noted that it would be open to the applicant to lodge a fresh application seeking in terms of the new and updated repairing standard.
11. The tribunal carefully considered the representations made at the hearing.
12. The tribunal has decided it is satisfied that the works as required in terms of the original RSEO as varied have been completed and therefore has

CERTIFICATE OF COMPLETION

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the works required by the **Repairing Standard Enforcement Order** relative to the house dated 20 March 2019 and varied on 11 September 2019 have been completed. Accordingly, the said Repairing Standard Enforcement Order and the Rent Relief Order dated 18 December 2019 relative to the house are revoked and discharged.

Rights 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 page are executed by James Bauld, Solicitor, Legal Member of the First-tier Tribunal for Scotland (Housing and Property Chamber) at Glasgow on 2 May 2024 before this witness.

J Bauld