



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/23/1055

Land Register Title number LAN52429

Re: Property at 58 Park Lane, Blantyre, G72 9AS (“the Property”)

The Parties:

Mr Robert Watt and Mrs Elizabeth Watt (“the Applicants/Tenants”)

Mrs Nicola Muirhead (“the Respondent/Landlord”)

James Bauld (Chairman) and Nick Allan (Ordinary Member)

Background

1. By application initially lodged on 2 April 2023, the applicants as tenants of the property made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that they believed that the respondent who is the landlord of the property was failing to comply with the duty imposed on her by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as “the 2006 Act”). They complained that the property did not meet the repairing standard set out in the 2006 Act and the Tribunal, after an inspection and hearing on 14 July 2023, issued a Repairing Standard Enforcement Order (RSEO) dated 26 July 2023 in respect of the property.
2. The terms of the RSEO initially required the Landlord to

- a) To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.
 - b) To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
 - c) Instruct a Gas Safe registered engineer to undertake a full inspection of all gas fittings and appliances within the property and to repair and renew any parts which are identified within the report, including the "final check results".
 - d) To replace the guttering to the front and rear elevations to the house
 - e) To effect repairs to the garden shed to render it wind and watertight or to remove the shed and replace it with a shed of similar external and internal proportions, said shed to be wind and watertight
 - f) To effect repairs to the frame of the patio doors and carry out additional works to install stairs or decking to ensure that egress from the patio doors to the garden can be taken safely
 - g) Instruct an inspection of the bathroom pipework and sealants around the bath an appropriately qualified person to ascertain whether any works are required to prevent future water egress from the bathroom to the kitchen below, to note the terms of any report of such inspection and to carry out any works thereby recommended and thereafter to repair the kitchen ceiling including internal redecoration
3. The tribunal also ordered that the works specified in the RSEO were to be carried out and completed within the period of 12 weeks. The works should

have been completed by 13 October 2023

Reinspection and subsequent responses from parties

4. Upon the expiry of that period of time arrangements were made for the tribunal to re-inspect the property.
5. A reinspection was carried out on 13 November 2023.
6. A report of the reinspection was prepared and was issued to the parties together with a schedule of photographs. The parties were invited to comment upon the report.
7. After reviewing responses from both parties, the tribunal took the view that the landlord had failed to implement the entirety of the works required in terms of the RSEO and was accordingly in breach of the order. The tribunal determined to make a rent relief order ("RRO") and a decision to that effect was issued and intimated to the parties.
8. The rent relief order was sent to the parties on 3 January 2024
9. By email dated 11 January 2024, the respondent intimated to the tribunal that the outstanding repairs had now been completed and provided photographic evidence showing the completion of the works to the replacement stairs at the rear of the property and the works required to the roof, walls and door of the garden shed
10. The correspondence from the respondent, together with the photographs, was sent to the applicants and they were invited to comment upon them. A response was received from the applicants by email dated 11 March 2024 in which they claimed the repairs had not been completed
11. On 28 March 2024 the applicants sent a further email to the tribunal indicating that they had now removed from the property and that keys would be returned on 31 March
12. The tribunal arranged to reinspect the property on 2 May 2024 and intimation of that proposed inspection was sent to the respondent.

13. The respondent sent an email to the tribunal dated 30 April 2024 requesting that the reinspection was postponed and explained the reasons for the same. The tribunal agreed to postpone the reinspection.

14. The respondent sent a further email to the tribunal dated 5 August 2024 indicating all repairs had been completed and that the property had now been sold. She provided a copy of the schedule of particulars for the sale which had been prepared in connection with the sale by Countrywide estate agents and she enclosed pictures showing the current condition of the property.

15. The tribunal have reviewed the photographic evidence provided and accept the position as set out in respondent's emails of 15 January 2024 and 5 August 2024 that the relevant works have now been completed.

Decision

16. The tribunal, being satisfied that all works required in terms of the RSEO have now been completed, have resolved that the RSEO should be revoked.

17. Having decided to revoke the RSEO, the tribunal also decides in terms of section 27 (4) of the Housing (Scotland) 2006 to revoke the rent relief order

18. The tribunal has also determined to grant a certificate of completion in terms of section 60 of the 2006 Act confirming that the works required by the repairing standard enforcement order has been completed.

19. The Decision of the Tribunal is unanimous.

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.

Signed *Jan. Bannigan*

Date *15 August 2024*

C. Bannigan
.....witness
SOLICITOR