

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Determination: Housing (Scotland) Act 2006: Sections 26 and 27**

**Chamber Ref: FTS/HPC/RT/22/1343**

**2/1,19 Neilston Road, Paisley,PA2 6LL, being the subjects registered in the Land Register of Scotland under Title Number REN91803 (“the Property”)**

**The Parties:-**

**Renfrewshire Council Communities and Housing, Renfrewshire House, Cotton Street, Paisley, PA1 1BR (“the Third Party”)**

**Mr Stuart Miller, 2/1, 19 Neilston Road, Paisley, PA2 6LL (“the Tenant”)**

**Ms Yuhan Yu, 2 Maryston Road, Glasgow, G33 1NU (“the First Landlord”)**

**Mr Ranaich Dunnett, Westlea, Sutherland Street, Helmsdale, KW8 6LQ (“the Second Landlord”)**

**Tribunal Members:**

**Mr Martin McAllister, Solicitor (Legal Member) and Mr Andrew Taylor, Chartered Surveyor (Ordinary Member) (“the tribunal”)**

**Decision**

**The tribunal determined that the repairing standard enforcement order RSEO be varied and that the time for compliance be amended to 31 October 2024.**

**Background**

1. By application dated 10 May 2022, the Third Party applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 as amended (“the 2006 Act”). The application is in terms of Section 22 (1A) of the 2006 Act.

2. The application states that the Property does not meet the repairing standard set out in Section 13 of the 2006 Act.
3. The then legal member and ordinary member inspected the Property on 5 August 2022 and, following a Hearing on the same day, issued a repairing standard enforcement order ("RSEO") dated 26 August 2022.
4. The RSEO was in the following terms:

The Landlord was required to:

- 4.1 **Attach the radiator in the bedroom securely and safely to the bedroom wall;**
- 4.2 **Repair or replace the hot water tap in the kitchen to ensure that it is fully operational;**
- 4.3 **Investigate and repair the cause of water ingress above the oriel window in the living room;**
- 4.4 **Investigate and repair the cause of water ingress at the ceiling in the hallway;**
- 4.5 **Repair or replace the casement at the centre oriel window in the living room to ensure that it is capable of opening and closing, securely;**
- 4.6 **Repair or replace all fire detection equipment to ensure that the complete installation is interlinked;**
- 4.7 **Make good all plaster work and decoration arising from any of these repairs or works.**

**The Tribunal ordered that the works specified in the RSEO be carried out and completed within 31 days of service of it on the First Landlord.**

5. On 27 January 2023, the Property was reinspected by the then members of the Tribunal allocated the case and they found that the works required by the RSEO had not been carried out.
6. On 2 February 2023, Mr McAllister was appointed legal member as a replacement for Ms Sweeney.

### **The Second Landlord**

7. On 8 February 2023, Mr Ronald Dunnett, father of Ranaich Dunnett contacted the Tribunal and intimated that his son had purchased the Property and had been unaware of the existence of the RSEO. The email indicated that a number of repairs had been instructed and that refurbishment of the Property was proposed.
8. On 30 October 2023, Mr Ronald Dunnett advised that repairs had been completed but that a kitchen contractor had not completed their works because they were uncomfortable about working in the Property.

9. On 10 April 2024, Mr Ronald Dunnett indicated that some works required to be done and that the Second Landlord was considering selling the Property.
10. On 27 June 2024, the Tribunal wrote to Mr Ronald Dunnett and stated that it appeared that works had not been completed but that the members of the Tribunal were minded to vary the RSEO to allow until 31 October 2024 for them to be done. The Second Landlord's representative was also advised that it is possible to apply to the Tribunal for assistance with access if this was an issue in having works completed.

## **Decision**

11. The tribunal noted that, according to the representations made to it, some works had been completed, that the Second Landlord had been unaware of the RSEO when he purchased the Property and that there had been issues with access to complete the works.
12. The tribunal considered it just to allow more time for compliance with the RSEO and determined that the Second Landlord be given until 31 October 2024 to do so.
13. **The Second Landlord is required to carry out the work required by the RSEO by 31 October 2024.**

**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.**

# M McAllister

M J. McAllister,  
Solicitor, legal member of  
Tribunal.

24 July 2024