

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision under Rule 39(3) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (contained in Schedule 1 of the Chamber Procedure Regulations 2017 (SSI No 328)) (“the Procedure Rules”) in relation to a request for a review of the Tribunal’s Decision under section 43(2) (b) of the Tribunals (Scotland) Act 2014

In connection with

Chamber Ref: FTS/HPC/RP/23/4505

**24 Ground Left, West Street, Dundee DD3 6SB
 (“The Property”)**

The Parties:-

**Mr Nicholas Kerry, 24 Ground Left, West Street, Dundee DD3 6SB
 (“the Tenant”)**

**Area Estates Limited, C/O Hamways Ltd, 104 Station Road East, Oxted, Surrey
 RH8 0QB
 (“the Landlords”) represented by Pavillion Properties, 86 Bell Street, Dundee
 DD1 1HN**

Tribunal Members

**Graham Harding (Legal Member)
 Andrew Murray (Ordinary Member)**

1. DECISION

The Tribunal having carefully considered the application by the Landlord’s representatives for a review of its decision refuses same on the ground that it is wholly without merit in terms of rule 39(3) of the Procedure Rules. The decision of the Tribunal was unanimous.

2. BACKGROUND

- i. On 22 September 2024 the Landlord’s representatives submitted a request to the Tribunal for a review of its decision of 10 September 2024.
- ii. The Landlord’s representatives submitted that they had not been advised of the change of venue of the hearing on 10 September and had attended at the wrong venue.
- iii. That the Landlord’s representatives had done everything they could to establish the cause of the damp at the property.

- iv. That they had offered to release the Tenant from the lease without notice.
- v. That repairs to the bathroom and bedroom had been carried out.
- vi. That an EICR had previously been exhibited to the Tenant and a copy was submitted to the Tribunal.
- vii. That further redecoration would be completed in the week commencing 23 September 2024.
- viii. That imposing a Rent Relief Order of 75% was disproportionate.
- ix. By email dated 25 September 2024 the Tenant's representative Mrs Carol Berkeley submitted written representations objecting to the application for review.

REASONS FOR DECISION

1. The tribunal was satisfied that proper intimation of the change of venue was sent to the Landlord's representatives by the tribunal administration by email dated 8 August 2024.
2. At the date of the hearing the tribunal had not been provided with a current EICR and redecoration works had not been completed in compliance with the RSEO and no communication or explanation had been received from the Landlord or its representatives.
3. Having carefully considered all of the points made by the Applicant in the request for a review the Tribunal is of the view that the request is wholly without merit and refuses the application but does acknowledge that as the works required by the RSEO have now been completed that it is appropriate to issue a Certificate of Completion.
4. The decision is unanimous.

G Harding

Graham Harding
Chairing Legal Member of the Tribunal
Dated: 21 October 2024