

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/RP/23/3784

18 Brockly View, Kilbirnie, North Ayrshire, KA25 7HQ, being the subjects registered in the Land Register of Scotland under Title Number Ayr79254 (“the Property”)

The Parties:-

Allison McCourt (formerly Allison Clark), 18 Brockly View, Kilbirnie, North Ayrshire, KA25 7HQ (“the Tenant”)

Alister Meek, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, North Ayrshire, KA22 8DG (“the Tenant’s Representative”)

Jackie Clyde, 56 Drumcroon Road, Garvagh, Coleraine, BT51 4ED (“the Landlord”)

Tribunal Members:

Mr Martin McAllister, Solicitor (legal member) and Mr Donald Wooley, Chartered Surveyor (ordinary member) (“the tribunal”)

Decision

The tribunal determined:

(One) that the Landlord has failed to comply with a repairing standard enforcement order (RSEO) dated 25 February 2024 which was subsequently varied on 19 May 2024 and that a notice of failure be served on the local authority (Section 26 of the Housing (Scotland) Act 2006;

(Two) that a rent relief order be made reducing the rent payable under the tenancy by 50% (Section 27 of the Housing (Scotland) Act 2006).

Background

1. This Decision should be read in conjunction with the Decision dated 15 October 2024.
2. The tribunal made a repairing standard enforcement order ("RSEO") on 25 February 2024 which was subsequently varied on 19 May 2024. This required the Respondent to carry out certain works by 24 June 2024.
3. The tribunal inspected the Property on 11 October 2024 and a hearing was conducted on the same date. The tribunal determined that the Respondent had not complied with the RSEO and it proposed that a rent relief order ("RRO") be made in terms of Section 27 of the Housing (Scotland) Act 2006. Parties were given until 1 November 2024 to make representations with regard to the tribunal's proposal to make the RRO.
4. No representations have been received from either party.

Decision and Determination

5. The tribunal determines that an RRO should be made, reducing the rent payable under the tenancy by 50%.

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.
16 November 2024