

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in relation to the application by the Landlord's Representative to review their decision under Rule 26 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Chamber Ref: FTS/HPC/RP/24/0441

43, Springfield Square, Bishopbriggs, G64 1PU being the subjects registered in the Land Register of Scotland under Title Number GLA180631("the Property")

The Parties:-

Ms Aiyeye Olagboye residing at 43, Springfield Square, Bishopbriggs, G64 1PU ("The Tenant")

Raymond Heath, East Dunbartonshire Citizens Advice Bureau ('The Tenant's Representative')

Shalinder Kaur Kamboh residing at 5 Tay Crescent, Bishopbriggs, Glasgow G64 1EU ("The Landlord")

Martin and Co, 172 Woodlands Road, Glasgow, G3 6LL ('The Landlord's Representative')

Ms S Wooley, Bannatyne, Kirkwood France and Co, Solicitors ('The Landlord's solicitor')

Tribunal Members:

Jacqui Taylor (Chairperson) and Carol Jones (Ordinary Member)

Background

1. The Tribunal issued a Decision dated 6th December 2024.
2. In response to the said Decision dated 6th December 2024 the Landlord's Representative sent the Tribunal an email dated 16th December 2024 asking the Tribunal to review their decision.
3. Section 39 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 sets out the requirements of an application for review. The application must be in writing; it must be copied to all the other parties; it must

be made within 14 days of the date the written reasons were sent to the parties and it must set out why a review of the decision is necessary.
The Tribunal acknowledged that the application for review had been received timeously.

4. The Tribunal have reviewed their decision and do not consider that their decision should be reviewed.

5. As the Tribunal find that the application for review is wholly without merit they refuse the application for review.

6. The fact that the Landlord's Representative does not agree with the Tribunal's ultimate decision is no genuine basis for a review under Rule 39.

7. However, the Tribunal acknowledge that since the date of the decision and the Repairing Standard Enforcement Order they have been advised that the Tenant has vacated the Property. Consequently, the Tribunal are minded to vary the Repairing Standard Enforcement Order in terms of section 26 of the Housing (Scotland) Act 2006. A separate decision will be issued regarding the variation.

8. The decision of the Tribunal was unanimous.

9. Appeals

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.

J Taylor

Signed

Chairperson Date: 20th December 2024