

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 25 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/23/1092

Re: Property at 38 Sunnybraes, Steelend, Dunfermline, Fife KY12 6NE (“the Property”)

Land Register Number: FFE55965

Parties:

Miss Lisa Goldie, 38 Sunnybraes Terrace, Steelend, Dunfermline, Fife KY12 9NE (“the Tenant”)

Mr Calum McLean Watt, 128 Henderland Road, Bearsden, Glasgow G61 1JA (“the Landlord”)

Tribunal Members:

George Clark (Legal Member) and Geraldine Wooley (Ordinary/surveyor Member)

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber determined that the Repairing Standard Enforcement Order in respect of the Property, made on 1 August 2023, should be amended to the extent of correcting the identity of the Landlord.

Background

On 1 August 2023, the Tribunal issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the Property. The Order named Focal Point Property Limited as the Landlords.

On 15 September 2023, Mr Calum McLean Watt, whose address is the same as the registered office of the limited company named as Landlords in the Order, made representations to the Tribunal that the Order was incorrect, in that it stated the Landlords to be Focal Point Property Limited. He provided a copy Land Certificate which confirmed that he was the registered Proprietor of the Property.

Reasons for Decision

The Tribunal noted that, in arriving at its original Decision, it had relied on information provided by the Tenant in her application as to the identity of the Landlord(s) and that she had not provided a copy Tenancy Agreement. The Tribunal was satisfied that Mr Watt was the Landlord and determined that the Order should be amended to reflect that. As the original Order had not yet been presented for registration in the Land Register, the Tribunal decided that it should be re-issued in corrected form.

The Decision of the Tribunal was 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.

G Clark

Signed:

Legal Member/Chairperson

Date 11 October 2023