

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: issued under Section 60 of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1) of the Act

Chamber reference: FTS/HPC/RP/21/0451

Re: Property at Flat 3/2, 89, Armadale Street, Glasgow, G31 2PS registered in the Land Register for Scotland under title number GLA174761 (“the Property”)

The Parties:

Mrs. Surinder Kaur, care of 1-2 Let (Lettings & Sales) LTD., 104, Bellgrove Street, Glasgow, G31 1AA (“the Landlord”) per her agents the said 1-2 Let (Lettings & Sales) LTD. (“the Landlord’s Agent”)

Tribunal Members:

Karen Moore (Chairman) and Carol Jones (Ordinary Member)

Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order (RSEO) made by it on 2 August 2021.

This Decision should be read in conjunction with Decision and RSEO both dated 2 August 2021

Background

1. By application received on 25 February 2021 (“the Application”), the tenants of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord has failed to comply with the duty imposed on it by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1) (c) and 13(1) (d) of the Act. The Application was referred to the Tribunal and a Case Management Discussion (“CMD”) was arranged for 22 April 2021 at 10.00 by telephone conference call, the outcome of which was that an Inspection of the Property was then held on 26 July 2021 and a Hearing on 2 August 2021.

RSEO

2. Following the Inspection and Hearing, the Tribunal imposed the RSEO requiring the Landlord to replace the carpets in both bedrooms and the living room.

Re-Inspection

3. A Re-inspection of the Property was carried out on 27 October 2021 and the Tribunal found that the works required by the RSEO had been complied with. A photographic record of the Re-inspection was issued to the Landlord who made no comment.

Decision and Reasons for Decision

4. The Tribunal, having found at the Re-inspection that the works required by the RSEO had been complied with, was satisfied in terms of Section 60(5)(b) and so granted a Certificate of Completion.

Appeal

5. 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.

K Moore

Signed

Karen Moore, Chairperson

18 November 2021

Housing and Property Chamber First-tier Tribunal for Scotland



Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006

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Karen Moore (Chairman) and Carol Jones (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") hereby certifies that the work required by the Repairing Standard Enforcement Order (RSEO) in respect of the Property dated 2 August 2021 has now been completed fully and so the Tribunal discharges the said RSEO.

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: In Witness Whereof these presents are signed by Karen Moore chairperson of the Tribunal, at Glasgow on 18 November 2021 before this witness, Norman William Moore, solicitor, 1A South Muirhead Road, Cumbernauld G67 1AX

K Moore