

Housing and Property Chamber

First-tier Tribunal for Scotland



STATEMENT OF DECISION FOR REPAIRING STANDARD ENFORCEMENT ORDER (RSEO) UNDER SECTION 24 HOUSING (SCOTLAND) ACT 2006.

Chamber Ref: FTS/HPC/RT/19/0417

4 Cairn Drive, Lincluden, Dumfries, DG2 0BY (“the Property”)

The Parties:-

Miss Yvonne McLatchie, formerly residing at the property (“the former Tenant”)

Dumfries and Galloway Council, Strategic Housing Services, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD (“the Third Party”)

Mr Andrew Richardson, formerly residing at 5 Alexandra Drive, Dumfries, DG2 9HX and now at the Property (“the Landlord”)

Tribunal Members:

David M Preston (Legal Member, Chairman) and Donald Wooley (Ordinary, Surveyor Member)

Decision:

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”) relative to the Property dated 16 April 2019 has been completed. Accordingly, the said RSEO relative to the property has been discharged.

Reasons for Decision:

1. Following the Case Management Discussion (CMD) on 26 July 2021 the landlord submitted an updated Electrical Installation Condition Report (EICR) dated 26 July 2021 which confirmed that the remedial action required in terms of the previous EICR dated 18 June 2021 had been carried out. The landlord also submitted a photograph showing the smoke detector suitably located.
2. The tribunal was satisfied that the work required by the RSEO had been carried out satisfactorily and determined that the RSEO dated 16 April 2019 falls to be discharged.

A landlord, tenant or third party applicant 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.

In terms of Section 63 of the Act, 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.

D Preston