

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Decision and Statement of Reasons: Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RP/18/1954

Title no: PH38511

**Property at The Beeches, Mains of Condle, Forgandenny, Perth PH2 9DN
("The Property")**

The Parties:-

- **Ms Mayuko Morgan, The Beeches, Mains of Condle, Forgandenny, Perth PH2 9DN ("the Tenant")**
- **Mr Ralph Schenk, Mrs Suni Magyar Duncrub Park House, The Stables, Dunning Perth PH2 0QR ("the Landlord")**

The Tribunal comprised:-

Ms Gabrielle Miller	-	Legal Member
Mr Robert Buchan	-	Ordinary Member

1. **The First Tier Tribunal for Scotland (Housing & Property Chamber) ("the Tribunal"), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO**

Statement of Reasons

2. **Reference is made to the Determination of the Tribunal dated 9th January 2019 which decided that the Landlord had failed to comply with**

the duty imposed by Section 14(1)(b) of Housing (Scotland) Act 2006 ("The Act") and to the RSEO made by the Tribunal which required the Landlord to carry out works to ensure that the house meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
 - a. To replace or repair the defective rendering on the House to ensure that it can keep the Property wind and water tight and following the repair or replacement of the rendering, the internal stone wall behind the wood burning stove should be dried out and/or treated to ensure that it is free from dampness.
 - b. To replace or repair and make good all the windows in the property including the French doors.
5. The said works were to be carried out and completed within a period of 4 months from the date of the service of the Order.
6. On 18th March 2019, the Ordinary Member (Surveyor) of the Tribunal carried out an inspection of the Property and noted: -
 - a. The render has been repaired and redecorated.
 - b. The windows have been repaired and redecorated.
 - c. The French windows have been freed up and made openable, repaired and redecorated.
7. The Ordinary Member also noted that the internal stone was tested and found to be dry and that other works have been undertaken which were not within the remit of the RSEO.
8. The Ordinary Member's inspection report with his findings was circulated to the parties and written submissions were invited. The Landlord sent in a response dated 25th March 2019 stating that he agreed with the inspection report.
9. **Decision**

There were matters that had been observed in the Decision of 7th February 2019 which did not form part of the RSEO and not a matter for the Tribunal to enforce. The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it

is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

Rights of Appeal

10. 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.

11. 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.

G Miller

Chairing Legal Member of the Tribunal

Dated:

29 MAR 19

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended ("the Act")
Chamber Ref: FTS/HPC/RP/18/1954

Title no: PH38511

Property at The Beeches, Mains of Condrie, Forgandenny, Perth PH2 9DN ("The Property")

The Parties:-

- **Ms Mayuko Morgan, The Beeches, Mains of Condrie, Forgandenny, Perth PH2 9DN ("the Tenant")**
- **Mr Ralph Schenk, Mrs Suni Magyar Duncrub Park House, The Stables, Dunning Perth PH2 0QR ("the Landlord")**

The Tribunal comprised:-

Ms Gabrielle Miller	-	Legal Member
Mr Robert Buchan	-	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") relative to the Property served on 7th February 2019 has been completed. Accordingly, the said RSEO relative to the property has been revoked.

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.

If an application for permission to appeal is received, then the Tribunal will notify you of this and the eventual outcome of that application and any subsequent appeal.

In Witness Whereof these presents type written on this and the preceding page are executed by Gabrielle Miller, Legal Member of the Tribunal at Glasgow on 29th March 2019 in the presence of the undemoted witness.
N Allan G Miller

_____	Witness	_____	Chairperson
NICHOLAS ALLAN	Name in full		
20 YORK STREET	Address		
GLASGOW			

