

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**First-tier tribunal for Scotland (Housing and Property Chamber)**

**Variation of Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25**

**Chamber Ref:** FTS/HPC/RP/17/0337

**Title no/Sasines Description:** SS161

**Property:** 23 Kirkgate, Currie, Edinburgh EH14 6AP (“The house”)

**Proprietor:** The Earl of Rosebery (“the third party applicant”)

**The Parties:-**

**Ms Jill Robert, 23 Kirkgate, Currie, Edinburgh EH14 6AP (“the tenant”)**

**Mr John Steven and Ms Carolyn Steven (“the landlords”)**

### **NOTICE TO Mr John Steven and Ms Carolyn Steven (“the landlords”)**

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on \*\* that the Repairing Standard Enforcement Order relative to the property dated 9 May 2018 should be varied, the said Repairing Standard Enforcement Order is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The steps which the tribunal requires the landlords to take in complying with the order are amended as follows:-

By extension of the period for compliance with the Repairing Standard Enforcement Order until 5 May 2019.

Subsection 25(3) of the Housing (Scotland) Act 2006 does/does not apply in this case.

**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.**

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 type written on this and the preceding page are executed by Mark Thorley, chairperson of the tribunal at Edinburgh on 10<sup>th</sup> March 2018 before this witness:-

M Thorley

A Gibson

\_\_\_\_\_ witness

\_\_\_\_\_ chairperson

ALISON GIBSON name in full

20 HOPE TOWN Address

STREET, EDINBURGH

EH7 4QH

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## First-tier Tribunal for Scotland

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**Statement of Decision: Housing (Scotland) Act 2006**

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**Proprietor:** The Earl of Rosebery (“the third party applicant”)

**The Parties:-**

**Ms Jill Robert, 23 Kirkgate, Currie, Edinburgh EH14 6AP (“the tenant”)**

**Mr John Steven and Ms Carolyn Steven (“the landlords”)**

**Tribunal Members:**

Mark Thorley (Chairman)

### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) decided to vary the Repairing Standard Enforcement Order dated 9 May 2018 (“the order”) by extending the period for compliance with the order until 5 May 2019.

### **Reasons for decision**

The order that was granted was to undertake significant works to the property. The works have not been started. The tenant vacated the property on 8 February 2018 and the property remains empty. The landlords remain in discussions with the proprietors regarding the property itself.

Having regard to the landlords’ explanation and in terms of Section 25(1), the tribunal considers that the variation of the order to provide further time for compliance is reasonable.

### **Decision**

The tribunal, considering the terms of Section 25(1) of the Act, determined that the order should be varied by extending the period for compliance with the order until 5 May 2019.

**Right of Appeal**

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

M Thorley

Signed

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Chairperson

Date

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10. June 2018