



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

STATEMENT OF DECISION

Housing (Scotland) Act 2006 Section 26 ('the Act')

Chamber Ref: FTS/HPC/RP/19/0263

Property at 1/1, 4 Houston Street, Renfrew, PA4 8NR

Land Register Title Number REN 59027

('The Property')

PARTIES:

**Ms Mary Jo Walsh residing at Flat 1/1 4 Houston Street, Renfrew, PA4 8NR,
Represented by Mrs Patricia Mary Rademan, Powerhouse for Life, Renfrew
PA4 8HG**

('the Tenant')

**Mr Vincent John Bell and Mrs Karen Angela Bell, Wright Properties Scotland
Ltd, Care of and Represented by Robb Residential, 150 St Vincent Street,
Glasgow G2 5NE**

('the Landlords')

TRIBUNAL MEMBERS:

Joseph C Hughes (Legal Member)

Sara Hesp (Ordinary Member/Surveyor)

SUMMARY OF DECISION:

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Landlords have complied with the Repairing Standard Enforcement Order ('RSEO') in relation to the Property, determined that the Landlords have failed to comply with the RSEO in terms of Section 26(1) of the Act and that a Notice of the failure be served on the Local Authority in which the property is situated.

2. In all the circumstances the tribunal determined that they would make a Rent Relief Order ('RRO'). The tribunal took the view that the appropriate proportion of rent which should be subject to the RRO was 50 per cent of the monthly rent of £350, namely £175 per month. The tribunal accordingly determined to make an RRO in those terms.

3. The decision of the tribunal is unanimous.

BACKGROUND:

4. On 29th April 2019, the tribunal issued a determination which stated that the Landlords had failed to comply with the duties imposed by Section 14(1) (b) of the Act. On the same date, the tribunal issued a RSEO in respect of the Property. The RSEO made by the tribunal required the Landlords to:

(a) Obtain and lodge with the Tribunal an updated Domestic Electrical Installation Condition Report ('EICR') summarising its suitability for continuing use as 'Satisfactory', with no C1 or C2 items reported. The EICR should be dated after this Order and it should be prepared by a suitably competent contractor accredited by one of SELECT, NAPIT or NICEIC; and to

(b) Fill, finish and make good the holes and channels in the ceiling and walls of the living room.

5. The tribunal ordered that the works specified in the RSEO were to be carried out and completed within 28 days from the date of receipt of the RSEO.

6. A further inspection of the Property was undertaken by the Ordinary Member (Surveyor) of the tribunal on 12th June 2019. A copy of the re-inspection report dated

14th June 2019 is attached. The Tenant and her friend attended the inspection. The Landlords did not attend the inspection. The Ordinary Member found that:

(i) The holes and channels in the ceiling and walls of the living room have been filled, finished and made good. Redecoration has occurred.

(ii) An updated EICR meeting the criteria within the RSEO has not been received by the Tribunal.

7. The Landlords were provided with a copy of the Ordinary Member's re-inspection report and given the opportunity to comment thereon. The Landlords have failed to subsequently lodge an updated EICR as ordered by the RSEO.

REASONS FOR DECISION:

8. The tribunal takes the view that the Landlords have had ample time to carry out the works. Accordingly, the tribunal takes the view that the Landlords' failure to implement the RSEO amounted to a breach of the RSEO. In accordance with the relevant provisions of Section 26 of the Act, the tribunal required to determine whether a Rent Relief Order should be made.

9. The Landlords failure to produce an updated EICR has been outstanding for over three months. The tribunal also took the view that this could easily have been completed in that period of time. The tribunal consider that the failure to produce the EICR was having an impact on the Tenant's safely enjoying the Property and may indeed present as a potential danger to the safety of the Tenant.

10. The tribunal determined to make a RRO in respect of 50 per cent of the monthly rent of £350, namely £175 per month. In view of the breach of the RSEO, the tribunal further determined that a Notice of the failure to comply with RSEO in terms of Section 26(1) of the Act be served on the Local Authority in which the Property is situated.

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

J Hughes

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. 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.

J Hughes

—
.....
/

6th August 2019

'Joseph Christopher Hughes'

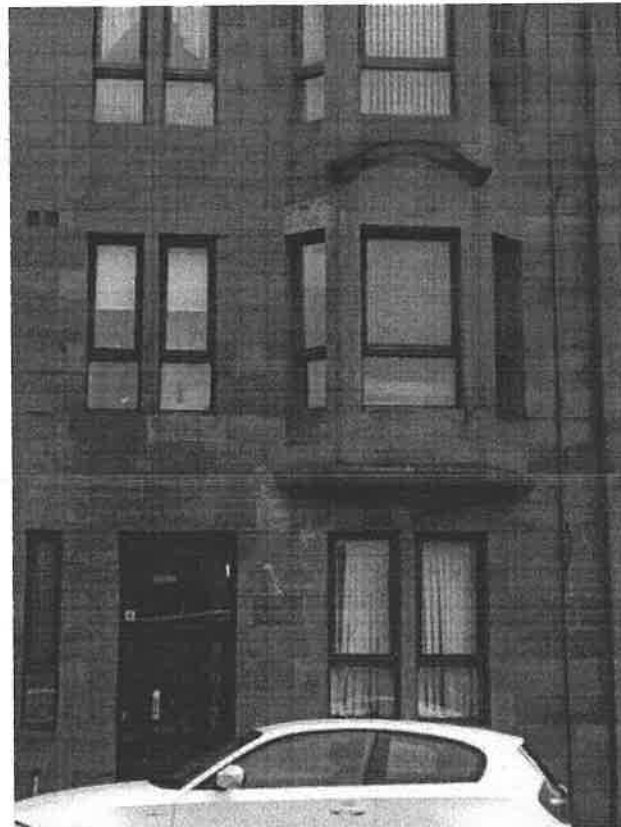
Legal Member and Chair

[Housing and Property Chamber]

**Housing and Property Chamber
First-tier Tribunal for Scotland**



Re-inspection report



Front elevation

*This and the following
three pages is the
Re - Inspection Report
referred to in the
Statement of Decision*

*Dated 6th August 2019
J Hughes*

Property: Flat 1/1 4 Houston Street, Renfrew PA4 8NR

Ref no: FTS/HPC/RP/19/0263

Surveyor: Sara Hesp LLB(Hons) BA(Hons) MRICS ACI Arb

Access:

I re-inspected the subject property on 12 June 2019 at 10 am. Access was provided by the tenant, Ms Mary Jo Walsh. Her friend, Gail McLean, was also present as was the Clerk to the Tribunal, Rebecca Forbes.

The weather was dry and cool.

Purpose of re-inspection:

The purpose of this re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order, dated 29 April 2019, had been completed. The property was originally inspected by the Tribunal on 24 April 2019 at 10 am.

Under the Repairing Standard Enforcement Order, the landlord had been required to:

- **To obtain and lodge with the Tribunal an updated Domestic Electrical Installation Condition Report (EICR) summarising its suitability for continuing use as “Satisfactory”, with no C1 or C2 items reported. The EICR should be dated after this Order and it should be prepared by a suitability competent contractor accredited by one of SELECT, NAPIT or NICEIC; and**
- **Fill, finish and make good holes and channels in the ceiling and walls of the living room.**

Work completed:

- The holes and channels in the ceiling and walls of the living room have been filled, finished and made good. Redecoration has occurred.

The photographs taken during the inspection and reproduced in Appendix 1 illustrate the condition of the living room on the morning of 12 June 2019.

Outstanding matters:

- An updated Domestic Electrical Installation Condition Report (EICR) meeting the criteria specified above has not been received by the Tribunal.

Comments:

This report will be distributed to the parties and their representatives for their comment. It will be referred afterwards to the Tribunal for consideration and further action as appropriate.

Sara Hesp

Sara Hesp

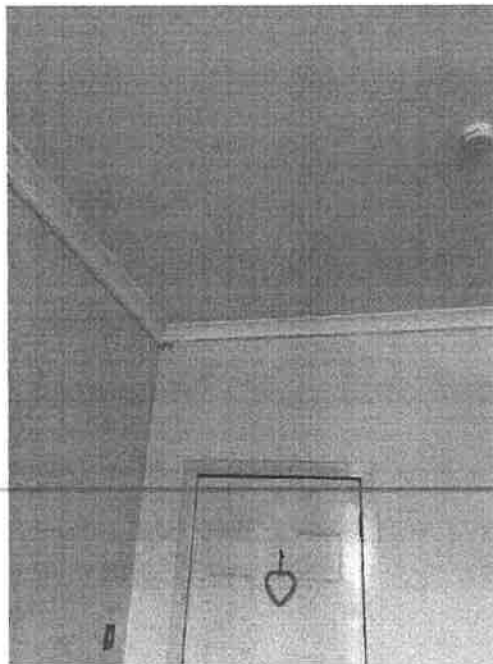
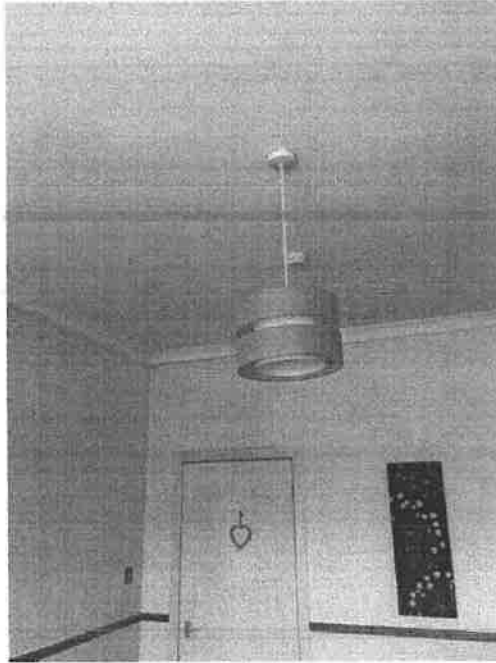
Ordinary Member

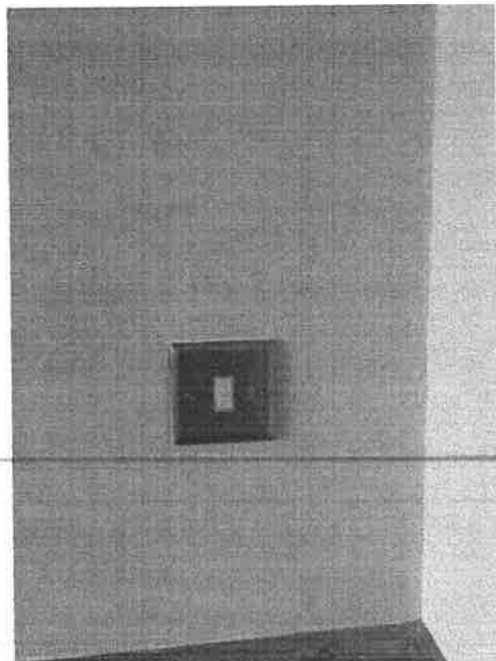
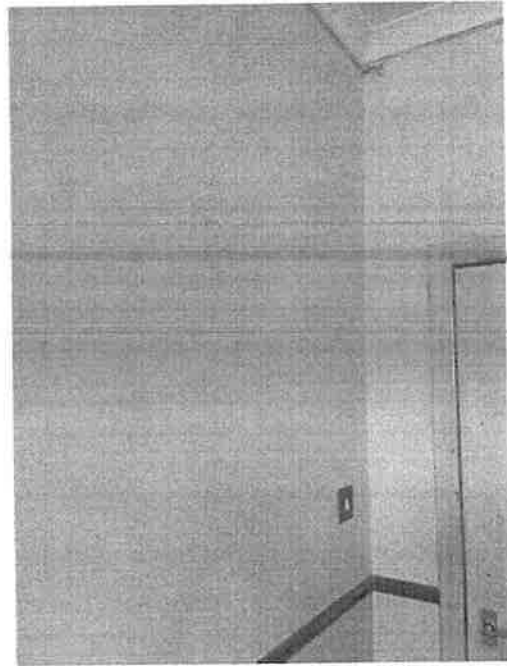
First-tier Tribunal for Scotland (Housing and Property Chamber)

14 June 2019

Appendix 1

The following five photographs on pages 3 and 4 were taken in the living room of Flat 1/1, 4 Houston Street, Renfrew on 12 June 2019.





Housing and Property Chamber
First-tier Tribunal for Scotland



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

RENT RELIEF ORDER ('RRO')

Housing (Scotland) Act 2006 Section 27 ('the Act')

Chamber Ref: FTS/HPC/RP/19/0263

Property at Flat 1/1, 4 Houston Street, Renfrew PA4 8NR

Land Register Title Number REN 59027

('the Property')

PARTIES:

Ms Mary Jo Walsh, Flat 1/1, 4 Houston Street, Renfrew, PA4 8NR

('the Tenant')

Mr Vincent John Bell and Mrs Karen Angela Bell, Wright Properties Scotland Ltd, c/o Robb Residential, 150 St Vincent Street, Glasgow G2 5NE

('the Landlords')

NOTICE TO:

Mr Vincent John Bell and Mrs Karen Angela Bell, Wright Properties Scotland Ltd, c/o Robb Residential, 150 St Vincent Street, Glasgow G2 5NE ('the Landlords')

Whereas in terms of their decision dated 6th August 2019, the First-tier Tribunal ('the tribunal') determined in terms of Section 26(1) of the 2006 that the Landlords have failed to comply with the Repairing Standard Enforcement Order in relation to the Property made by

the tribunal, the tribunal determined to make a Rent Relief Order in terms of Section 27 of the Act reducing the rent payable under the tenancy for the property by an amount of 50 per cent of the monthly rent (being £175 per calendar month of the current monthly rent of £350) which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the said Act.

A landlord, tenant or third 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. 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.

Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

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.

J Hughes

..... /

..... 6th August 2019

'Joseph Christopher Hughes'

Legal Member and Chair

[Housing and Property Chamber]