

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

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**First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)**

**STATEMENT OF DECISION: Housing (Scotland) Act 2006 (“the 2006 Act”),  
Section 26(1)**

**Chamber Ref: FTS/HPC/RP/19/2018**

**Flat 3/1, 5 Barrland Street, Glasgow, G41 1QH (Title number GLA12687)  
 (“The House”)**

**The Parties:-**

**Mrs Maria Cernakova, Flat 3/1, 5 Barrland Street, Glasgow, G41 1QH  
 (“the Tenant”)**

**Govanhill Law Centre, Samaritan House, Lower Ground Floor, 79 Coplaw Street,  
Glasgow, G42 7JG  
 (“the Tenant’s Representative”)**

**Ms Shaheen Ashraf, Bellhaven Gulf Station Garage, 31 South Cabrain Road,  
Cumbernauld, Glasgow, G67 2PL  
 (“the Landlord”)**

**Mr Mohammed Ashraf, Bellhaven Gulf Station Garage, 31 South Cabrain Road,  
Cumbernauld, Glasgow, G67 2PL and Mr Tahir Bashir, GPS Legal & Estate, 467  
Victoria Road, Glasgow, G42 8RL  
 (“the Landlord’s Representatives”)**

**Tribunal members**

**Ms Susanne L. M. Tanner Q.C., Legal Member and Chair  
Mr Nick Allan, Ordinary Member**

## **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having taken account of the written submissions of the parties in relation to the possible imposition of a Rent Relief Order ("RRO") in terms of Section 26(2)(b) of the 2006 Act, decided to issue a RRO in respect of 25% of the rent payable by the Tenant to the Landlord.
2. The RRO will take effect 28 days after the last date on which the decision to impose the RRO can be appealed under Section 64 of the 2006 Act.
3. The decision of the tribunal was unanimous.

## **Reasons**

1. On 13 July 2020 the tribunal determined that the Landlord had failed to comply with the RSEO dated 1 October 2019. The tribunal's decision with statement of reasons was intimated to both parties and is referred to for its full terms.
2. The tribunal reserved its decision on whether to make a Rent Relief Order ("RRO") in terms of Section 26(2)(b) of the 2006 Act as the tribunal wished to make further inquiries before deciding whether to make a RRO. The tribunal issued a Direction dated 13 July 2020 requiring both parties to provide specified information and to make any written submissions they wish in relation to the making of a RRO, in the time period specified.
3. Both parties provided information about the rent payable in terms of the tenancy and made submissions about the possible imposition of a RRO, which were considered by the tribunal.
4. The Tenant's Representative indicated that it was the Tenant's position that a RRO should be imposed reducing the monthly rent payable of £350.00 by a minimum of 25% to reflect the loss of use and enjoyment of certain rooms in the Property as a result of rodent infestation which has not yet been eliminated.
5. The Landlord's Representative indicated that it was the Landlord's position that no RRO should be made as it was only one item on the original RSEO with which she had not complied and that treatment would be carried out in due course. No further information or evidence was provided about any rodent treatment planned or completed.

6. The tribunal proceeded to determine whether to make a RRO on the basis of information available including the parties' written submissions.
7. The tribunal decided to make a RRO reducing the amount of rent payable by 25%. The Tenant has suffered rodent infestation in the Property since at least the time that the Application was made on 2 July 2019, which is over a year. The Landlord has not complied with the tribunal's RSEO dated 1 October 2019, order 5, *"to obtain a report from Environmental Health or an independent contractor in relation to the rat infestation in the Property; to take any recommended steps in any said Report or otherwise ensure that there is no rat infestation in the Property"*, within 28 days of service of the RSEO. The Landlord has not produced any evidence to suggest that she intends to comply with order 5 in the RSEO and the rodent problem is persisting. As a result of the rodent problem the Tenant's use and enjoyment of the Property has been affected, particularly the kitchen/dining room.
8. The RRO will take effect 28 days after the last date on which the decision to impose the RRO can be appealed under Section 64 of the 2006 Act

### **Right of Appeal**

9. **A landlord or tenant 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.**

### **Effect of section 63**

10. 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.

**Susanne L.M. Tanner**

Signed ..... Susanne L. M. Tanner, Queen's Counsel  
Legal Member / Chairperson of the tribunal

Date 29 July 2020