

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Revocation of the Repairing Standard Enforcement Order** **Ordered by the First-tier Tribunal for Scotland** **(Housing and Property Chamber)** **In terms of Section 25 Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/PA2/40/11**

**17 Benview Terrace, Paisley, PA2 7JJ being the subjects registered in the Land Register of Scotland under Title Number REN60544 ('The Property')**

#### **The Parties:-**

**Mrs Linda Wallace residing sometime at 5 Kilpatrick Avenue, Paisley, PA2 9DL ('the former Landlord').**

**Miss Lorna Mullen residing sometime at 17 Benview Terrace, Paisley, PA2 7JJ ('the former Tenant').**

#### **The current heritable Proprietor of the Property:**

**Stephen Mario Duffy residing at 17 Benview Terrace, Paisley, PA2 7JJ ('the heritable proprietor of the Property').**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Private Rented Housing Committee) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Kingsley Bruce (Ordinary Member).**

#### **NOTICE TO** **The said Stephen Mario Duffy**

**The Tribunal in their decision dated 22nd August 2017 have determined to revoke the Repairing Standard Enforcement Order dated 7<sup>th</sup> July 2011.**

**Consequently the said Repairing Standard Enforcement Order is REVOKED with effect from the date of service of this Notice.**

**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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes and landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of section 28(5) of the Act. IN WITNESS WHEREOF these presents typewritten on this and the preceding page are subscribed at Glasgow on 22<sup>nd</sup> August 2017 by Jacqui Taylor, Chairperson of the Tribunal in the presence of the witness undernoted:

Signed.....  
Chairperson

*J. Taylor*

.....*J. Spence*.....witness

*Joyce Spence*  
1, Atlantic Quay  
Glasgow

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**



### **Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 25 of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/PA2/40/11**

**17 Benview Terrace, Paisley, PA2 7JJ being the subjects registered in the Land Register of Scotland under Title Number REN60544 ('The Property')**

#### **The Parties:**

**Mrs Linda Wallace residing sometime at 5 Kilpatrick Avenue, Paisley, PA2 9DL ('the former Landlord').**

**Miss Lorna Mullen residing sometime at 17 Benview Terrace, Paisley, PA2 7JJ ('the former Tenant').**

#### **The current heritable Proprietor of the Property:**

**Stephen Mario Duffy residing at 17 Benview Terrace, Paisley, PA2 7JJ ('the heritable proprietor of the Property').**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Private Rented Housing Committee) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Kingsley Bruce (Ordinary Member).**

#### **Background**

1. The Private Rented Housing Committee issued a Repairing Standard Enforcement Order dated 7<sup>th</sup> July 2011 ('RSEO') in respect of the Property which required the Landlord to:-

- (1) Repair or replace the central heating system and boiler to render them in a reasonable state of repair and proper working order.
- (2) Exhibit to the Committee a current valid gas safety certificate confirming that the gas appliances and central heating boiler are safe.

The Private Rented Housing Committee ordered that these matters must be carried out and completed by **5th AUGUST 2011**.

2. On 9<sup>th</sup> December 2011 the surveyor member of the Committee carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that the central heating

system and the boiler had been satisfactorily repaired. However a valid gas safety certificate was not produced to him. Further no valid gas safety certificate had been delivered to the PRHP Office. On 2<sup>nd</sup> February 2012 the Committee determined that the Landlord had failed to comply with paragraph (2) of the RSEO.

3. On 23<sup>rd</sup> August 2013 the Property was sold to Stephen Mario Duffy. The Tribunal were not notified of the sale. Renfrewshire Council have confirmed that the Property was no longer registered for rental purposes.
4. On 1<sup>st</sup> December 2016 jurisdiction of the Private Rented Housing Panel passed to The Housing and Property Chamber.

### **Decision and Reasons**

5. The Tribunal considered the circumstances of the case and determined that the RSEO relative to the Property is no longer necessary as the Property has been sold and is no longer leased.

### **Appeals**

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 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.

Signed.......... Date 22<sup>nd</sup> August 2017  
Chairperson