

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**STATEMENT OF REASONS FOR VARIATION OF RSEO: Housing (Scotland) Act  
2006, Section 25**

**Chamber Ref: PRHP/RP/16/0186**

**Title no/Sasines Description: Land Register Title number MID28174**

**4 Edmonstone Drive, Danderhall, Dalkeith, EH22 1QQ  
("The House")**

**The Parties:-**

**Miss Lynn Dewar, residing at 4 Edmonstone Drive, Danderhall, Dalkeith, EH22  
1QQ  
("the Tenant")**

**Mr William Williamson, previously residing at 1 Kintail Court, Balgeddie,  
Glenrothes, Fife, KY6 3PU and now residing at 15 Craighill Gardens,  
Edinburgh, EH6 4RJ and Mr Finlay Williamson residing at 15 Craighill Gardens,  
Edinburgh, EH6 4RJ**

**("the Landlord")**

**represented by his agent, Forth Property Management, 40 Liberton Place,  
Edinburgh, EH16 6NA**

## **THE TRIBUNAL**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') comprised the following members: Susanne L M Tanner QC, Chairperson; Mike Links, Surveyor Member.

## **DECISION**

2. The tribunal, having taken account of the emails and written documentation submitted by and on behalf of the Landlord, hereby varies the Repairing Standard Enforcement Order (RSEO) dated 14 December 2016, in terms of

section 25 of the 2006 Act, to the effect of extending the period of time allowed for the works specified therein for an additional period of 84 days from the date of service of the RSEO, (making the total time for compliance 140 days from the date of service of the RSEO).

3. The decision of the tribunal was unanimous.

## Reasons

4. Reference is made to the decision of the tribunal dated 14 December 2016 and the RSEO of the same date, ordering that the works specified therein had to be completed within 56 days of the date of service on the Landlord.
5. The Decision and RSEO were served on the Landlord by letter of 19 December 2016, by recorded delivery. The Landlord's agent acknowledged receipt of the said Decision and RSEO. The date for compliance with the terms of the RSEO was 15 February 2017. The date for compliance has now passed.
6. By email of 16 January the Landlord advised the tribunal that they were intending to de-register as landlords for the house and that they did not intend to re-let it again. (As noted in the tribunal's decision, the Tenant named in the application moved out of the House on the day after the inspection on 29 November 2016). A copy of a contractor's quotation from Brian Condie, Gid Wi' Wid (undated) was provided in respect of the replacement of three windows with upvc windows, the replacement of the front and back door with upvc doors and the replacement of the bathroom ceiling light. By further email of 20 January 2017 the Landlord advised the tribunal that they had de-registered as landlords. A copy email from Midlothian Landlord Registration was attached confirming that they had been deleted from the Landlord Register. The landlord requested that the tribunal consider whether they were still required to comply with the terms of the RSEO.
7. The tribunal considered the landlord's request and by email of 1 February 2017 the tribunal advised the landlord that de-registration as landlords did not change the terms of the RSEO and evidence of compliance with all of the terms of the RSEO within the stated timescale was requested. It was noted that as at that date only the gas safety certificate had been produced relative to the terms of the RSEO.
8. By email of 1 February 2017 the Landlord's agent advised the tribunal that some works relative to the RSEO had been carried out, namely replacement of yale locks on the front and back doors and replacement of a mortice lock

(unspecified, but presumably on the front door). A copy invoice from PWD Projects dated 6 December 2016 was provided in respect of the same.

9. By email of 7 February 2017 the Landlord advised the tribunal that they understood that they were required to complete all of the works specified by the tribunal in the RSEO. The Landlord advised the tribunal that they had now instructed works including the replacement of three windows with upvc windows, the replacement of the front and back door with upvc doors and the replacement of the bathroom ceiling light, in terms of the said quotation from Brian Condie, Gid Wi' Wid. The contractor advised the Landlord that there was a lead time of 10 – 12 weeks from the date of instruction to the date of commencement of the works. The Landlord made a request to the tribunal that the time allowed for the works specified in the RSEO be extended by an additional 12 weeks (84 days) in order that these works could be carried out and completed.
10. The tribunal decided that the Landlord's request was reasonable in the circumstances, in particular on the basis that there is no tenancy in place and the fact that the Landlord does not intend to re-let the property.

### Right of Appeal

11. **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.**

### Effect of section 63

12. 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 Tanner

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

Date 16 February 2017.....

# Housing and Property Chamber First-tier Tribunal for Scotland



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Variation of RSEO: Housing (Scotland) Act 2006 Section 25

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("the Landlord")

represented by his agent, Forth Property Management, 40 Liberton Place, Edinburgh, EH16 6NA

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having determined on 15 February 2017 that the **Repairing Standard Enforcement Order** relative to the house served on 19 December 2016 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 original period of 56 days allowed for the completion of the work required by the order is extended by an additional 84 days.

Subsection 25(3) of the Housing (Scotland) Act 2006 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(s) are executed by Susanne L M Tanner, Queen's Counsel, chairperson of the tribunal at Edinburgh on 27 February 2017 (date) before this witness:-

C Stevens

Susanne Tanner

witness

chairperson

Cheryl Stevens .

name in full

Advocates Library

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