

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(1) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0199

Property at Northfield Farm House, Auldgirith, Dumfries, DG2 0TR being part of the subjects described in Disposition in favour of Thomas William Kennedy recorded GRS (Dumfries) 19th May 1926 (Search Sheet 3608) ('the Property')

David Matthews and Claire Matthews both residing at Blackwood House, Auldgirith, Dumfries, DG2 0UA ('the Landlords')

Stephen Whitelaw, Solicitor, Grieve, Grierson, Moodie and Walker, Solicitors, Dumfries ('the Landlords' representative')

Michael Hunter residing formerly at Northfield Farm House, Auldgirith, Dumfries, DG2 0TR ('the Tenant')

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 LANDLORDS


The Tribunal having accepted the Landlords' application to have The **Repairing Standard Enforcement Order** varied to allow additional time for completion of the outstanding works determined that The **Repairing Standard Enforcement Order** is **VARIED** with effect from the date of service of this Notice to the effect that the period allowed for the completion of the works is extended to 30th September 2017.

Appeals

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 are subscribed at Irvine on 13th March 2017 by Jacqueline Carol Taylor, chairperson of the Tribunal, 65, High Street, Irvine in the presence of the witness KEIRSTEN BYRNE, 65, High Street, Irvine. J Taylor

Signed..... Date 13th March 2017
Chairperson

 witness: Keirsten Byrne 65, High Street, Irvine

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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 ('the Committee') issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlords to:-

'1. Repair or replace the front and back doors (including the locks) to render them in proper working order.

2. Repair or replace the side sheeting of the barn used as a wood store located on the south east corner of the Property to render it in proper working order.

3. Eradicate the dampness in the rear porch.

4. Install:

4.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.

4.2 One functioning smoke alarm in every circulation space, such as hallways and landings.

4.3 One heat alarm in every kitchen.

4.4 All alarms should be hardwired and interlinked and

4.5 One CO detector in every space containing a fixed combustion appliance.'

2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 30th November 2016.

3. On 7th March 2017 the Tribunal carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. They found that the Tenant had vacated the Property and none of the required works had been completed. The inspection report dated 13th March 2017 is annexed and executed as relative hereto.
4. On 1st December 2016 jurisdiction of the Private Rented Housing Panel passed to The Housing and Property Chamber.
5. On 7th March 2017 the Tribunal held a hearing in Sanquhar Town Hall to determine if the terms of the RSEO had been complied with. The Landlords' representative attended. He advised the Tribunal that the parties had agreed a renunciation of the lease and the Tenants had vacated the Property on 31st January 2017. On behalf of the Landlords he apologised for the fact that the RSEO had not been complied with. He explained that he expects the Property to be sold shortly. He thought it would either be bought by someone to reside in as their principal home or it will be purchased as a buy to let property. He explained that once a purchaser has bought the Property the works required by the RSEO would be carried out as part of the refurbishments. He requested a variation of the RSEO to allow a period of six months to complete the required works.

Decision and Reasons

6. The Tribunal considered the Landlords agents' representations. They considered that an extension of six months for completion of the required works to be reasonable as the Property was not tenanted.
7. The Tribunal therefore decided that they would vary the RSEO as stated.
8. The decision of the Tribunal was unanimous.

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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.

J Taylor

Signed.....
Chairperson

..... Date 13th March 2017

HPC Re-inspection Report



Property: Northfield Farm House, Auldgirth, Dumfries, DG2 0TR
Ref No: PRHP/RP/16/0199

Surveyor: Kingsley K Bruce, MRICS

Access:

The property was re-inspected at 13:00 on 7 March 2017 by Kingsley K Bruce and Mrs Jacqueline Taylor.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

In Attendance:

The inspection was accompanied, by the Landlord's Agent, Mr Stephen Whitelaw who was present in the property throughout the inspection, the tenant David and Claire Matthews, who lodged the application had vacated the property in January 2017.

The property was unoccupied, unplenished and unfurnished.

Weather:

Conditions were generally overcast but dry at the time of re-inspection.

Requirements of the Repairing Standard Enforcement Order (RSEO):

The RSEO required the landlord, as follows:

'1. Repair or replace the front and back doors (including the locks) to render them in proper working order.

2. Repair or replace the side sheeting of the barn used as a wood store located on the south east corner of the Property to render it in proper working order.

3. Eradicate the dampness in the rear porch.

4. Install:

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4.3 One heat alarm in every kitchen.

4.4 All alarms should be hardwired and interlinked and

4.5 One CO detector in every space containing a fixed combustion appliance.'

The Committee ordered that the works specified in the RSEO were to be carried out and completed by 30th November 2016.

Works required by the RSEO which have been undertaken:

A visual inspection of the property was undertaken, looking specifically at the items/areas which were subject of the application and the RSEO, as served on the Landlord.

At the time of re-inspection on 7 March 2017, there was no evidence of any works having been undertaken to address the items stated in the RSEO.

Kingsley K Bruce, MRICS
Surveyor Member, Housing and Property Chamber

12 March 2017

