

Housing and Property Chamber
First-tier Tribunal for Scotland



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

**Notice of Variation of Repairing Standard Enforcement order:
Housing (Scotland) Act 2006: Section 25(1)
Chamber Ref: PRHP/RP/16/0346**

Title Number: AYR34155

**1 Clarke Avenue, Ayr, KA7 2XE
("The House")**

The Parties:-

**Mrs Kristina Macaulay,
1 Clarke Avenue,
Ayr ,KA7 2XE
("the Tenant")**

**Mr Narinder Pal Singh Sangha and Mrs Balbir Kaur Sangha,
Seahaze,
Spring Gardens,
Dunure Road, Ayr
represented by their agent
Homesure Portfolio Management,
60 Kyle Street,
Ayr,
KA7 1RZ
("the Landlord")**

**Tribunal Members: Martin J. McAllister, solicitor, legal member and Carol Jones,
surveyor, ordinary member.**

**NOTICE TO
Mr Narinder Pal Singh Sangha and Mrs Balbir Kaur Sangha,**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determines that the repairing standard enforcement order relative to the Property dated 10th March 2017 varied with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the work required by the repairing standard enforcement order is extended until 7th July 2017.

Section 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

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.

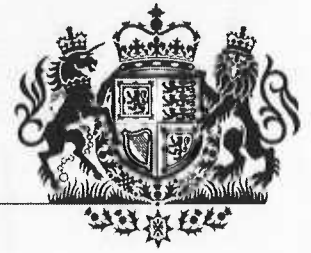
Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents on this and the preceding page are signed at Kilwinning on 8th May 2017 by Martin Joseph McAllister, solicitor, before Kayleigh Guthrie, 83 Main Street, Kilwinning

K Guthrie

Martin McAllister

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 : Section 25(1)

Chamber Ref: PRHP/RP/16/0346

Title Number: AYR34155

1 Clarke Avenue, Ayr, KA7 2XE
("The House")

The Parties:-

Mrs Katrina Macaulay,
1 Clarke Avenue,
Ayr ,KA7 2XE
("the Tenant")

Mr Narinder Pal Singh Sangha and Mrs Balbir Kaur Sangha,
Seahaze,
Spring Gardens,
Dunure Road, Ayr
represented by their agent
Homesure Portfolio Management,
60 Kyle Street,
Ayr,
KA7 1RZ
("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determines that the Repairing Standard Enforcement Order relative to the Property dated 10th March 2016 should be VARIED with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the work required by the order is extended until 7th July 2017.

Background

The members of The First-tier Tribunal for Scotland (Housing and Property Chamber) dealing with the application are Martin J. McAllister, solicitor, legal member and Carol Jones, surveyor, ordinary member.

A repairing standard enforcement order (RSEO) dated 10th March 2016 had been made in the following terms:

(One) The Landlord is to produce a current electrical installation condition report prepared by a suitably competent person confirming that the electrical system within the Property is in a safe and efficient condition together with any electrical appliances provided by the Landlord. This report should be in conformity with Scottish Government Statutory Guidance.

(Section 13 (1) (c) of the 2006 Act)

(Two) The Landlord is to produce a current gas safety record prepared by a suitably qualified person and also a report from a suitable qualified heating engineer confirming that the heating system works effectively and is fully operational.

(Section 13 (1) (c) of the 2006 Act)

(Three) The Landlord is required to make good the holes in the downstairs bathroom, attic bathroom and attic bedroom.

(Section 13 (1) (b) of the 2006 Act)

(Four) The Landlord is to repair or replace the dining room light.

(Section 13 (1) (c) of the 2006 Act)

(Five) The Landlord is to renew the entire felt roof above the bathroom and bedroom on the half landing and to take all necessary steps to eradicate dampness in the walls and ceilings of the bathroom and bedroom on the half landing and to make good any décor damage caused by any repair.

(Section 13 (1) (a) of the 2006 Act)

(Six) The Landlord is to carry out such works as are required to ensure that the porch is wind and watertight.

(Section 13 (1) (a) of the 2006 Act.)

(Seven) The Landlord is to carry out such works as are required to ensure that the drainage from the attic bathroom complies with Building Standards

Regulations and provide written evidence from a suitably qualified plumbing and drainage engineer confirming that all required works have been carried out.
(Section 13 (1) (c) of the 2006 Act)

(Eight) The Landlord is to replace the carpeting on the staircase from the ground floor to the half landing, the half landing and the staircase from the half landing to the first floor and to provide evidence from a flooring contractor that the carpets have been replaced.
(Section 13 (1) (e) of the 2006 Act)

(Nine) The Landlord is to ensure that all gutters are cleared of vegetation.
(Section 13 (1) (b) of the 2006 Act)

(Ten) The Landlord is to repair or replace the dishwasher to ensure that it operates properly.
(Section 13(1) (d) of the 2006 Act)

(Eleven) The Landlord is to remove the redundant appliances and radiator from the garden/ yard area.
(Section 13 (1) (d) of the 2006 Act)

(Twelve) The defective fence at the rear of the House is to be repaired or replaced.
(Section 13 (1) (a) of the 2006 Act)

In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, the committee determined that the repairing standard enforcement order requires to be completed within a period of five weeks from its service on the Landlord.

1. On 3rd May 2017 the Landlord requested more time to comply with the terms of the RSEO. He stated that the Tenant vacated the property on 6th April and that, prior to that date, the Landlord was not able to gain access.
2. The Landlord stated that he would require more time to complete works.
3. The tribunal considered matters. The works required are extensive and the Tenancy has been lawfully terminated.
4. The Tribunal considered it reasonable to permit more time for completion of works and determined that the period should be extended to 7th July 2017.

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.

Martin McAllister

Martin J. McAllister, solicitor,
Legal member of tribunal.
8th May 2017