

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Revocation of Repairing Standard Enforcement Order ("RSEO"): Housing (Scotland) Act 2006 Section 25

Chamber Ref: PRHP/RP/14/0251

Property at 4 (4F1) Upper Bow, Edinburgh EH1 2JN, being the first flat on the fourth floor of 4 Upper Bow, Edinburgh as more particularly described in the Disposition in favour of the Landlord dated 27 June 1984 and registered in the Division of the General Register of Sasines applicable to the County of Midlothian on 3 July 1984 ("the Property")

The Parties:

Katri Vanhatalo, formerly residing at the Property ("the Tenant")

and

Mr Ian Richard Andrew Sime, 38 Bootham Crescent, York, YO30 7AH ("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined on 27 October 2017 that the work required by the **RSEO** relative to the House served following a decision of the Private Rented Housing Committee as predecessor to the Tribunal issued on 20 April 2015 is no longer necessary, the said **RSEO is hereby 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.

In terms of Section 63 of the Act, 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 subsequent page are executed by Maurice O'Carroll, Advocate, Advocates Library, Parliament House,

EH1 1RF, Legal Member and Chair of the Tribunal at Edinburgh on 12 November
2017 before this witness:-

M O'Carroll

_____ Legal Member and Chair

_____ Witness

Gemma Tyrell, Financial Analyst
RBS Gogarburn
175 Glasgow Road
Edinburgh EH12 9SB

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to the Notice of the Decision to Revoke

The Repairing Standard Enforcement Order

Ordered by the Tribunal on 27 October 2017

Re: Property at 4 (4F1) Upper Bow, Edinburgh, EH1 2JN ("the Property")

The Parties:-

Katri Vanhatalo, formerly residing at the Property ("the Tenant")

and

Mr Ian Sime, 38 Bootham Crescent, York, YO30 7AH ("the Landlord")

**Tribunal: Mr Maurice O'Carroll (Legal Member and Chair)
Ms Carolyn Hirst (Ordinary Member)**

Decision

The First-tier Tribunal unanimously, having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order ("RSEO") relative to the Property should be revoked in terms of section 25(1)(b) of the Housing (Scotland) Act 2006 agreed that the RSEO should be revoked.

1. An RSEO relative to the Property was issued by the Tribunal's predecessor, the Private Rented Housing Committee, on 20 April 2015. The RSEO required the Landlord to:
 1. To instruct a suitably qualified and competent tradesman registered with a relevant trade body to inspect the roof hatch within the roof structure and to repair it as necessary to ensure that it is water tight;
 2. To repair the hole or holes to the rear of the kitchen sink, to replace the skirting there and to replace the kick boards underneath the kitchen sink so as to act as a barrier against rodent infestation and to remove all debris from beneath the kitchen sink;
 3. To cover over the gap beneath the boiler in the kitchen to act as a barrier against rodent infestation;

4. To repair the hole in the right hand corner of the front bedroom as viewed from the bedroom door and to place continuous skirting there to act as a barrier against rodent infestation;
 5. To repair the double 13 amp socket in the kitchen to the right of the on/off switch and the downlighters beneath the kitchen units to ensure that they each function fully;
 6. To repair and reinstall the loose downlighters in the bathroom and hallway;
 7. To secure the WC unit to the floor of the bathroom, and secure the cistern to the wall of the bathroom;
 8. To replace the tiling in the bathroom and the side panel to the bath;
 9. To provide an effective seal under the shower and where it joins the bathroom wall to prevent water leakage and to re-grout the bath;
 10. To repair the shower head and flexible hose in the bath and install a secure replacement that functions properly;
 11. To provide certification from a suitably qualified and competent electrician that the electrical repairs noted above have been carried out safely; and
 12. To provide a Gas Safety Certificate for the House showing that the gas appliances (boiler, oven and living room fire) operate safely.
2. The RSEO specified that these works required to be carried out and completed within two calendar months of service of the RSEO. The works were not completed within the deadline set. A decision of Failure to Comply was made by the Private Rented Housing Committee and a Rent Relief Order was issued by the Committee on 24 July 2015. A Notice was sent to the Local Authority informing it of the decision of the Committee. The Tenant who raised the original application giving rise to the RSEO has since vacated the Property.
3. The Tribunal has received updates on progress from the local authority regarding the works in relation to the Property. On 20 October 2017, the Tribunal received an email from the local authority's Enforcement Officer, Rosemary Laidlaw, which stated the following:
- "Following on from your letter of 7th August 2017 I can confirm the property is currently occupied by a female resident who advised she is the niece of the owner Ian Sime. As such there is no requirement for the owner to be registered. The tenant advised the flat was fully renovated prior to her moving in and there are no outstanding repair issues..."
4. In light of this correspondence, the Tribunal is of the view that the necessary works have now been carried out and that the continued existence of the RSEO

is no longer necessary.

Decision

6. In light of the notification received from the local authority, the Tribunal decided that continuing the RSEO in relation to the Property would serve no purpose. Accordingly, it decided to issue the present Notice of Revocation.

Right of Appeal

7. **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 may 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.**

Effect of section 63 of the 2006 Act

8. 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.

M O'Carroll

Chairperson

Date: 7 November 2017