

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber), statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (“the Tribunal”)

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

Chamber Ref: PRHP/RP/16/0043

Land Certificate Title Number SEL371

87 Overhaugh Street, Galashiels (“the House”)

The Parties:-

**Mr Garath Trainer, formerly residing at the House
 (“the former Tenant”)**

**Europe Investments Limited, 30 East Main Street, Darvel, Ayrshire KA17 0HP
 (“the Landlord”)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having determined on 30 October 2017 that the work required by the **RSEO** relative to the House dated 4 July 2016 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 typewritten on this and the preceding page are executed by Sarah O'Neill, chairing legal member of the Tribunal, at Glasgow on 30 October 2017 in the presence of the undernoted witness:-

J Kane

Witness

S O'Neill

Chairing

Legal

Member

Janet Kane name in full

1 ATLANTIC Quay address

GLASGOW

G2 8JB

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber), statutory successor to the Private Rented Housing Committee in terms of the Tribunals (Scotland) Act 2014 and the First tier-Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (“the Tribunal”)

Notice of Decision under Housing (Scotland) Act 2006 Section 25

Chamber Ref: PRHP/RP/16/0043

Land Certificate Title Number SEL371

87 Overhaugh Street, Galashiels (“the House”)

The Parties:-

**Mr Garath Trainer, formerly residing at the House
 (“the former Tenant”)**

**Europe Investments Limited, 30 East Main Street, Darvel, Ayrshire KA17 0HP
 (“the Landlord”)**

1. The Private Rented Housing Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the House on 4 July 2016. This Order required the works specified in the RSEO to be completed within 42 days from the date of service of the RSEO.
2. On 25 July 2016, an appeal to the sheriff against the Committee’s decision and RSEO was lodged by the landlord at Selkirk sheriff Court. On 22 March 2017, the sheriff at Selkirk allowed the landlord’s appeal and quashed the Committee’s decision. A copy of the extract decree dated 6 April 2017 is attached to this decision.

Decision and Reasons

3. As the committee’s decision has been quashed, the RSEO accordingly no longer has effect. The Tribunal therefore decided that the RSEO over the House be revoked as the work required by the RSEO is no longer necessary for the reasons narrated.

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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.

S O'Neill

Chairing Legal Member
Dated: 30 October 2017

FORM 9

EXTRACT DECREE

Sheriff Court: Selkirk

Court ref. no. SEL-B132-16

Date of decree: 22 March 2017

*in absence

Europe Investments Limited, 30 East Main Street Darvel, Ayrshire, KA17 0HP

Pursuer(s)

against

Garath Trainer, 87 Overhaugh Street, Galashiels,

Defender(s)

The sheriff

quashed the decision made by the Private Rented Housing Panel, Europa Building,
450 Argyle Street, Glasgow, G2 8LH

This extract is warrant for all lawful execution hereon.

Date of extract: 6 April 2017

Emma OMeara
Sheriff Clerk Depute

This document has been electronically authenticated and requires no wet signature.