

Housing and Property Chamber First-tier Tribunal for Scotland



Revocation of Repairing Standard Enforcement Order

Under Section 25 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RT/17/0173

Re: Flat 0/1, 220 Langside Road, Glasgow G42 8XL ("the house")

Land Register Title No: GLA188994

The Parties:-

Glasgow City Council – DRS Housing and Regeneration Services, Samaritan House, 3rd floor, 79 Coplaw Street, Glasgow G42 7JG ("the third-party applicant")

Mr Stelian Radulescu and Mrs Lacrimioara Radulescu, residing at the house ("the former tenants") (non-participating parties)

Mr Saqib Deen, STH Properties, 727 Pollokshaws Road, Glasgow G41 2AA ("the former landlord")

Tribunal Members – Sarah O'Neill (Chairperson); Alex Hewton (Ordinary member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined on 29 March 2018 that the work required by the RSEO relative to the house issued by the tribunal on 13 July 2017 is no longer necessary, the said **RSEO is hereby revoked** with effect from the date of service of this Notice.

Rights of Appeal

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.

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IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twenty-ninth day of March, Two Thousand and Eighteen before this witness –

E Johnston

witness

S O'Neill

Chairperson

ERIC JOHNSTON

name in full

50 LAURENDALE

address

GARDENS GLASGOW G12 9QT

Housing and Property Chamber

First-tier Tribunal for Scotland



Revocation of Rent Relief Order

Under Section 27(4) (b) of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RT/17/0173

Re: Flat 0/1, 220 Langside Road, Glasgow G42 8XL ("the house")

Land Register Title No: GLA188994

The Parties:-

Glasgow City Council – DRS Housing and Regeneration Services, Samaritan House, 3rd floor, 79 Coplaw Street, Glasgow G42 7JG ("the third-party applicant")

Mr Stelian Radulescu and Mrs Lacrimioara Radulescu, residing at the house ("the former tenants") (non-participating parties)

Mr Saqib Deen, STH Properties, 727 Pollokshaws Road, Glasgow G41 2AA ("the former landlord")

Tribunal Members – Sarah O'Neill (Chairperson); Alex Hewton (Ordinary member)

Considering that the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') decided on 29 March 2018 to revoke the Repairing Standard Enforcement Order relative to the house issued by the tribunal on 13 July 2017, the tribunal hereby revokes the Rent Relief Order made in relation to the house on 13 December 2017, with effect from the date specified in sections 63(4) and 63 (5) of the Housing (Scotland) Act 2006), being 28 days after the last date on which this decision may be appealed.

Rights of Appeal

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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.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twenty-ninth day of March, Two Thousand and Eighteen before this witness –

E Johnston

witness

S O'Neill

Chairperson

ERIC JOHNSTON

name in full

50 CAUDERDALE GARDEN

address

GLASGOW G12 9QT

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

(Hereinafter referred to as "the tribunal")

Under Sections 25(1) (b) and 27 (4) (a) of the Housing (Scotland) Act 2006 ("the Act")

Case Reference Number: FTS/HPC/RT/17/0173

Re: Flat 0/1, 220 Langside Road, Glasgow G42 8XL ("the house")

Land Register Title No: GLA188994

The Parties:-

Glasgow City Council – DRS Housing and Regeneration Services, Samaritan House, 3rd floor, 79 Coplaw Street, Glasgow G42 7JG ("the third-party applicant")

Mr Stelian Radulescu and Lacrimioara Radulescu, residing at the house ("the former tenants") (non-participating parties)

Mr Saqib Deen, STH Properties, 727 Pollokshaws Road, Glasgow G41 2AA ("the former landlord")

Tribunal members: Sarah O'Neill (Chairperson), Alex Hewton (Ordinary member)

Decision

The tribunal decided to revoke the Repairing Standard Enforcement Order relative to the house issued by the tribunal on 13 July 2017, and the Rent Relief Order dated 13 December 2017.

Reasons for decision

1. On 13 July 2017, the tribunal issued a determination that the former landlord had failed to comply with his duties under Section 14(1) (b) of the Act. On the

same date, the tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the house. The tribunal ordered that the works specified in the order must be carried out and completed within the period of 21 days from the date of service of the RSEO.

2. On 13 December 2017, the tribunal issued a decision that the former landlord had failed to comply with the RSEO in terms of section 26(1) of the Act, and that a notice of this failure should be served on the local authority in whose area the property is situated. On the same date, it issued a Rent Relief Order in respect of the house terms of section 27 of the Act, reducing the rent payable under the tenancy by 10 %.
3. On 10 and 15 January 2018, the tribunal received email correspondence from the third-party applicant, advising that the house had been purchased by Govanhill Housing Association (GHA) on 7 December 2017, and that it was currently unoccupied. The tribunal then wrote to GHA, which confirmed in a letter of 6 February 2018 that this was the position. The letter stated that the house would be included within an upcoming major repair contract, scheduled to commence in April 2018, and would receive full refurbishment works.
4. The tribunal responded to GHA on 26 February, requesting confirmation as to whether the proposed full internal refurbishment works would include upgrading the electrical installation within the property to meet the latest IEE regulations. The tribunal also issued a direction to the third-party applicant, stating that if it received such confirmation from GHA, it was minded to revoke the RSEO, and seeking the third-party applicant's views on whether it would be appropriate to revoke the RSEO.
5. A letter dated 20 March was received from GHA, confirming that a full electrical rewire of the house to meet the latest IEE regulations would form part of the refurbishment works. On 23 March, an email was received from the third-party applicant, stating that the property would be repaired to the legal standard and decoratively enhanced beyond the repairing standard, and then utilised as social housing. The third-party applicant confirmed that it was therefore happy for the RSEO to be revoked.
6. The tribunal therefore determined that the RSEO should be revoked, and that in terms of section 27(4) (b) of the Act, the Rent Relief order in respect of the house should accordingly also be revoked.

Rights 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 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.

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 will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed... **S O'Neill**
Chairperson

Date... 24/3/18