



**MINUTE OF ADJOURNMENT
BEING A DECISION UNDER SECTION 28 OF THE FIRST-TIER TRIBUNAL FOR
SCOTLAND HOUSING AND PROPERTY CHAMBER (PROCEDURE)
REGULATIONS 2017**

Chamber Reference PRHP/RP/16/0226

Property at 166 Cairngorm Drive, Aberdeen, AB12 5PL (“the Property”)

The Parties:-

**Mr Trevor Donaldson, residing at 166 Cairngorm Drive, Aberdeen, AB12 5PL
 (“the Tenant”)**

**Mr Mohammed Mehrabadi and Mrs Lynne Mehrabadi, both residing at 374 Great
 Western Road, Aberdeen (“the Landlords”)**

The Tribunal comprised of:-

**Mrs Ruth O’Hare – Legal Member
 Mr Colin Hepburn – Ordinary Member**

Background

1. Reference is made to the decision of the Private Rented Housing Committee dated 14 September 2016 which determined that the Landlords had failed to comply with the duty imposed by section 14(1)(b) of the Act in that he had failed to ensure the property met the Repairing Standard. On the same date the Committee imposed a Repairing Standard Enforcement Order. The Tribunal took over the jurisdiction of the matter on 1st December 2016.
2. Reference is further made to the decision of the First-tier Tribunal (Housing and Property Chamber) (“the Tribunal”) dated 19 April 2017 which varied the order to extend the period for carrying out the works by a period of six weeks.
3. On 20 June 2017 the Ordinary Member carried out a re-inspection of the Property. The report of the re-inspection confirmed there to be two outstanding items under the RSEO, namely the gas fire and the mechanical ventilation system in the bathroom.

4. On 4th January 2018 the Tribunal held a hearing. The Landlord Mr Mehrabadi was present. The Tenant was presented and accompanied by Mark Thomson from Shelter Scotland.
5. During the hearing the parties confirmed that the works to the gas fire and the mechanical ventilation system noted as outstanding in the re-inspection report were now complete. The Tenant however disclosed that the kitchen worktop and base unit were deteriorating and there was ongoing water ingress from the kitchen window. The kitchen window required to be replaced. This issue had arisen following the re-inspection but had formed part of the original RSEO. The Tribunal clarified that it had been the Tenant's position at the previous hearing that this matter had been resolved, however it had transpired in fact that the problems were continuing. In addition there were ongoing problems with condensation and damp. The Landlord had not had the opportunity to inspect the issues highlighted by the Tenant but indicated to the Tribunal a willingness to do so. The Tenant further advised that the gutters required to be cleared again, which was a recurring issue due to problems with a neighbouring owner.
6. It was also apparent during the hearing that the Tenant had endeavored to submit additional written representations to the Tribunal for consideration however had done so via an email address that was now out of use. Accordingly the Tribunal had not received the documentation prior to the hearing and the Landlord had not had the opportunity to consider same.
7. The Tribunal therefore agreed it would be unable to make a determination of the application without further information on the kitchen window and the written representations from the Tenant. The Tribunal therefore considered it appropriate to adjourn the hearing and issue a direction to parties to that effect.

Decision

8. Accordingly the decision of the Tribunal is as follows:-
 - (i) To adjourn the hearing of 4 January 2018 in order to obtain further information to enable the Tribunal to make a fair determination of the application, being a decision under Regulation 28 of the First-tier Tribunal Housing and Property (Procedure) Regulations 2017.

Ruth O'Hare

Legal Member
29 January 2018