

Housing and Property Chamber First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006, Section 24

Chamber Ref: FTS/HPC/RT/19/1773

**Property at 3 Union Road, Grangemouth, FK3 8AB
Land Register Title No. STG33252
("The Property")**

The Parties:-

**Falkirk Council, Suite 1 The Forum, Callendar Business Park, Falkirk, FK1 1RX
("the Third Party Applicant")**

**Miss Charlene Clark, 3 Union Road, Grangemouth, FK3 8AB
("the Tenant")**

**Mr Patrick Gillooly, 5 Ronaldshay Crescent, Grangemouth, FK3 9JH
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the Property dated 20 August 2019 has been completed. Accordingly, the said RSEO relative to the Property has been discharged.

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/

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 preceding page are executed by Gillian Coutts Buchanan, Legal Member of the Tribunal, at Dundee on the 4th day of December 2019 in the presence of the undernoted witness:-

J Lynch

witness

G Buchanan

Legal member

JENNIFER LYNCH name (in full)

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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 60

Chamber Ref: FTS/HPC/RT/19/1773

**Property at 3 Union Road, Grangmouth, FK3 8AB
Land Register Title No. STG33252
("The Property")**

The Parties:-

**Falkirk Council, Suite 1 The Forum, Callendar Business Park, Falkirk, FK1 1RX
("the Third Party Applicant")**

**Miss Charlene Clark, 3 Union Road, Grangmouth, FK3 8AB
("the Tenant")**

**Mr Patrick Gillooly, 5 Ronaldshay Crescent, Grangemouth, FK3 9JH
("the Landlord")
Represented by Mr Blair Miller, Mam Property Investment Limited, 12 Mungal Mill
Court, Falkirk, FK2 7GH
("the Landlord's Representative")**

**Tribunal Members – Gillian Buchanan (Legal Member) and Nick Allan (Ordinary
Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property, and taking account the documentation submitted to the tribunal, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. Reference is made to the determination of the tribunal dated 20 August 2019 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act in that he had failed to ensure that the Property met the repairing standard. The works required by the RSEO were: -
 - (a) To deliver to the tribunal, for approval, a specialist report from a suitably qualified contractor which (i) addresses the construction detail of the drain serving the veranda of the Property, (ii) comments on whether the drain is in a reasonable state of repair and

proper working order and, (iii) if not in a reasonable state of repair and not in proper working order, narrates the works required to put it into that state including the provision of a drain cover.

- (b) Once a satisfactory report conforming to the terms of paragraph (a) above has been approved by the tribunal, to carry out such work as is recommended in terms of the report provided the tribunal first confirms its approval of the works specified.
- (c) To repair or replace the skirting board in the lounge and running beneath the window and glazed door to the veranda to include removing the existing sealant and re-sealing.
- (d) To repair or replace the lounge window and glazed door adjacent to the veranda to ensure that they are in a reasonable state of repair and in proper working order, are wind and watertight and capable of being unlocked, opened, closed and locked properly;
- (e) To repair or replace the kitchen window to ensure that the window is in a reasonable state of repair and in proper working order, is watertight and capable of being unlocked, opened, closed and locked properly; and
- (f) To repair and redecorate those areas of plaster work damaged around the front door.

The RSEO gave the Landlord 6 weeks to carry out the works.

2. On 23 October 2019 Mr Nick Allan, the Ordinary (Surveyor) Member of the tribunal, re-inspected the Property on behalf of the tribunal. The Tenant was present along with the Landlord's representative, Mr Blair Miller.

The Ordinary (Surveyor) Member noted that some works had been carried out since the original inspection and issuing of the RSEO, namely:-

- (a) The drain serving the veranda is now fully functioning, and has been fitted with a drain cover.
- (b) The skirting board in the lounge and running beneath the window and glazed door had been replaced to a satisfactory standard.
- (c) The window and glazed door in the lounge are in a reasonable state of repair, and wind and watertight. The door is capable of being opened, closed and locked into position.
- (d) The kitchen window has now been replaced by a new fully functioning unit.
- (e) The holes in the wall on either side of the front door had been filled.

The Ordinary (Surveyor) Member noted that other works required in terms of the RSEO remained outstanding namely:-

No specialist report had been received by the tribunal relative to the drain serving the veranda.

3. The tribunal also had sight of an invoice from Gasglow Limited dated 8 October 2019 in the sum of £30 confirming that the surface water drain on the veranda had been checked and was found to be clearing quickly and a drain cover had been fitted thereto.

Decision

4. The tribunal carefully considered the evidence and was satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act should be granted.

The decision of the tribunal was unanimous.

Right of Appeal

5. **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 tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**
6. **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.**

G Buchanan

Signed

Date 4 December 2019

Legal Member and Chairperson