

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement Of Decision to Vary Repairing Standard Enforcement Order: Housing (Scotland) Act 2006, Section 25(1)(a)

Chamber Ref: FTS/HPC/RP/18/2455

Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE, Title Number GLA21674
("The property")

The Parties:-

Emma Elliott-Walker, Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE
("the Tenant")

Nazim Bashir, c/o RiteHome Property Management, 350 Glasgow
Harbour Terraces, Glasgow G11 6EG
("the Landlord")

Tribunal Members:

Adrian Stalker (Chairman) and Debbie Scott (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), decided to further vary the RSEO dated 24 January 2019 with effect from the date of service of this Notice, in that the period allowed for the completion of the work required by the order is extended to 17 April 2020.

Reasons for Decision

1. Reference is made to the to the Tribunal's previous decisions in this case, and to the RSEO made on 24 January 2019, and subsequent variations. The period extended period allowed by Tribunal for completion of the works specified in the RSEO expired on 6 January 2020.
2. On 7 January 2020, the Tribunal received an email from Mr Craig Weir, of RiteHome Property Management. This indicates that James Gibb, the factors of the tenement building in which the property is situated, have achieved a majority agreement to proceed with the works necessary to common parts of the building, which will address point 1 in the RSEO.

However, the work has not yet commenced, because the factors are still in the process of collecting funds from the owners which will enable them to proceed.

3. The email did not expressly seek a variation of the RSEO, or specify any period within which the work was expected to be done. Further correspondence took place between the Tribunal and the landlord's agents. In due course, the agents clarified that they sought a postponement of the re-inspection due to take place on 17 February 2020, and a further variation of two months.
4. In the meantime, the Tribunal has also received confirmation from the applicant tenant that she no longer resides at the tenancy, and has not done so since August 2019.
5. The Tribunal considers that section 25(3) applies in this case: the work required by the RSEO has not been completed during the period required by the order, and it considers that satisfactory progress has been made in carrying out the work required. The re-inspection due to take place on 17 February 2020 will be postponed.
6. The Tribunal proceeded to vary the RSEO under section 25(1)(a), which Variation is referred to for its terms. The decision of the Tribunal was unanimous.
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 and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A Stalker

Signed

Date 17 / 2 / 20

Chairperson