

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)**

**DECISION: Housing (Scotland) Act 2006 (“the 2006 Act”), Section 60**

**Chamber Ref: FTS/HPC/RP/21/0210**

**1F4, 53 Bread Street, Edinburgh, EH3 9AH (Title number MID111224) (“the Property”)**

**The Parties:-**

**Mr Niel Jorgensen, 132 St Stephen Street, Edinburgh, EH3 5AA  
 (“the Respondent”)**

**Matrix Property Management Limited, 132 St Stephen Street, Edinburgh, EH3 5AA  
 (“the Respondent’s Representative”)**

**Tribunal members**

**Ms Susanne L. M. Tanner Q.C., Legal Member and Chair**

**Mr Nick Allan, Ordinary Member**

### **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having taken account of the supporting evidence produced by the Respondent and following reinspection of the Property, determined that the Respondent has complied with the Repairing Standard Enforcement Order dated 8 September 2021, as varied, in terms of Section 26(1) of the Housing Scotland Act 2006 (hereinafter “the 2006 Act”).

2. The tribunal issued a Certificate of Completion in terms of Section 60 of the 2006 Act.
3. The decision of the tribunal was unanimous.

## **STATEMENT OF REASONS**

1. The tribunal made a Repairing Standard Enforcement Order (RSEO) on 8 September 2021. In terms of the RSEO, the Respondent was required to ensure that the Property meets the repairing standard, in particular:
  - a. *to repair or replace the non-mechanical vent fixed through the upper pane of glass in the showerroom window (which currently does not have an outer cover), all to be left in full working order; and*
  - b. *to repair or replace the current timber double hung sash and case window to the showerroom to restore to a reasonable state of repair and leaving all wind and watertight, particularly to remove and replace or otherwise repair decayed or otherwise defective timbers, remove vegetation growing out of gaps in cill, remove and replace all defective pointing between the window frame and surrounding parts of the outer wall structure.*
2. The tribunal ordered that the works specified in the RSEO must be carried out and completed within 8 weeks from the date of service of the Notice.
3. The RSEO was later varied to extend the period for compliance to 31 May 2022. The principal reason for the variation being granted was due to delays in the order and manufacture of a replacement window.
4. On 11 May 2022, the Landlord's Representative submitted an email stating that a new bathroom window had been installed at the Property that morning and attached a photograph.
5. A re-inspection of the Property took place on 14 June 2022. Access was arranged by the Respondent's Representative, a letting agent. A re-inspection report was produced following the inspection and sent to the parties.
6. The tribunal is satisfied, having considered the evidence submitted on behalf of the Landlord and the re-inspection on 14 June 2022 that the works in the RSEO have been completed.

7. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

### **Right of Appeal**

- 8. A party aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.**
9. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Tanner

Signed .....  
Ms. Susanne L M Tanner, Queen's Counsel  
Legal Member and Chairperson of the tribunal

Date 26 July 2022