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# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Statement of Decision: Section 25(1) of the Housing (Scotland) Act 2006: (the Act).**

Case Reference FTS/HPC/RP/21/0710

Miss Emma Mulgrew and Mr Callum Miller, Flat 102, 5 Elfin Square, Edinburgh, EH11 3BF (“the Tenants”)

Spindlehawk Ltd, a company incorporated under the Companies Acts and having its registered office at 3<sup>rd</sup> Floor, Building 2, Universal Square, Manchester, M12 6JH (“the Landlord”)

Flat 102, 5 Elfin Square, Edinburgh, EH11 3BF registered in the Land Register under Title Number MID214715 (“the Property”).

Tribunal Members: Martin McAllister, Solicitor, (Legal Member) and Andrew Murray, Chartered Surveyor, (Ordinary Member) (“the tribunal”).

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) determines that the Repairing Standard Enforcement Order relative to the Property dated 21<sup>st</sup> June 2021 should varied with effect from the date of service of this Notice in the following respect:-**

**The period allowed for the completion of the work required by the order is extended until 31<sup>st</sup> March 2022.**

#### Background

A repairing standard enforcement order (RSEO) dated 21<sup>st</sup> June 2021 had been made in the following terms:

**The Landlord is to rectify the water ingress to the living room of the Property, make good any damage caused to the ceiling, wall, floor and floor covering and reinstate the décor.**

**The works require to be completed by 30<sup>th</sup> September 2021.**

1. On 24<sup>th</sup> November 2021, the Landlord had advised that works were ongoing to identify and rectify the cause of the water ingress and had provided some information on what was being done. The Landlord and had asked that the period for carrying out the work be extended.
2. On 17<sup>th</sup> January 2022, the Landlord intimated to the Tribunal that a roofing contractor had completed repairs and that internal works were being organised.
3. The tribunal considered that it would be reasonable to extend the period of time for completion of the works and that to grant an extension to 31<sup>st</sup> March 2022 would allow sufficient time for the internal repairs to be completed and also to ensure that the roof repair had been successful.
4. The RSEO was varied to extend the time for completion of the works to 31<sup>st</sup> March 2022.
5. **In varying the terms of the RSEO, the tribunal considered the terms of Section 25 (3) (b) (i) of The Housing (Scotland) Act 2006 and determined that, in the particular circumstances of this case, the Landlord has made satisfactory progress in carrying out the works required.**

**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 effect from the day on which the appeal is abandoned or so determined.**

M McAllister

**Martin J. McAllister, solicitor,  
Legal Member.**

**20th January 2022**