

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 26(1) of the Housing (Scotland) Act 2006 ("the Act") in respect of an application made under Section 22(1A) of the Act.

Chamber Reference number: FTS/HPC/RP/19/1093

Parties:

Russell Skingsley and Mrs. Emma Skingsley c/o Countrywide Lettings, 71, Candleriggs, Glasgow, G1 1 NP ("the Landlords"), per their nominated representatives in terms of Rule 10 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"), Countrywide Residential Lettings, 214 Eastwoodmains Road, Clarkston, Glasgow, G76 7HA (the Landlords' Agents) and Raeside and Chisholm, solicitors, 6 Gordon Street, Glasgow, G1 3PL (" the Landlords' Solicitors")

Property: Flat 10/1, 1, Templeton Court, Glasgow, G40 1 EF being the subjects registered in the Land Register for Scotland under Title Number GLA 190923("the Property")

Tribunal Members

Karen Moore (Chairperson)
Donald Wooley (Ordinary Member)

This decision should be read in conjunction with:

Statement of Decision and Repairing Standard Enforcement Order ("the RSEO") dated dated 5 July 2019.

Decision

Having been satisfied that the works required by the RSEO had now been carried out, the Tribunal, in terms of Section 26(1) of the Act, held the view that the Landlords have complied with the RSEO.

Background

1. By application received on 9 April 2019 ("the Application"), the Alan Cloughley residing sometime at the Property and the then tenant of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlords had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1)(c) of the Act as the central heating system in the Property does not work properly as it does not provide adequate heating or hot water.

2. A Convener of the Chamber, with delegated powers under Section 96 of the Housing (Scotland) Act 2014 and Section 21 (8A) of the Act, having considered the application in terms of Section 23(3) of the Act referred the Application to a tribunal, and, in terms of Schedule 2, Paragraph 1 of the Act an Inspection and Hearing were fixed for 21 June 2019, following which the Tribunal imposed the RSEO dated 5 July 2019.

Re-Inspection

3. The Ordinary Member of the Tribunal re-inspected the Property on 19 December 2019 and again on 2 March 2020 and found that all of the works required by the RSEO had been completed satisfactorily.

Decision of the Tribunal

4. Having been satisfied that the works required by the RSEO had now been carried out, the Tribunal, in terms of Section 26(1) of the Act, held the view that the Landlords have complied with the RSEO.
5. The decision of the Tribunal is unanimous.

Appeal

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.

Effect of Section 63 of the 2006 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

Karen Moore

Karen Moore
Chairperson
6 May 2020