

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/19/2157

Title no: REN119248

35 Craigbog Avenue, Johnstone, PA5 0LS ('The Property')

The Parties:-

Michael Tarry residing at Flat 0/1, 80 High Street, Johnstone, PA5 8SP ('the Landlord').

Ritehome Letting Limited, 350 Glasgow Harbour Terrace, Glasgow, G11 6EG ('The Landlord's Representatives')

Neill Stewart residing at 35 Craigbog Avenue, Johnstone, PA5 0LS ('the Original Tenant').

Pauline Neill residing at 35 Craigbog Avenue, Johnstone, PA5 0LS ('the New Tenant and the Original Tenant's Representative'.)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Lori Charles (Ordinary Member).

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 27th November 2019 which required the Landlord to:-

1. *Repair the back bedroom windows and surrounds to render them wind and watertight.*
2. *Repair or replace the front and back door and fascias of the front door to render them in a reasonable state of repair and proper working order.*
3. *Resolve the source of damp penetration to the wall under the window of the back bedroom and carry out such repairs as necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.*
4. *Repair or replace the protruding screws/ bolts of the kitchen cupboard doors to render them in a reasonable state of repair and proper working order.*

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 15th January 2020.

3. On 10th February 2020 the Tribunal issued a Decision in the following terms:

First, they determined that items 1 and 2 of the RSEO which required the Landlord to:

1. Repair the back bedroom windows and surrounds to render them wind and watertight.

2. Repair or replace the front and back door and fascias of the front door to render them in a reasonable state of repair and proper working order.

have not been satisfactorily completed as the required works have not been carried out.

Second, they determined that items 3 and 4 of the RSEO which required the Landlord to:

3. Resolve the source of damp penetration to the wall under the window of the back bedroom and carry out such repairs as necessary to prevent further damp ingress followed by remedial works to damp-damaged finishes and decorations.

4. Repair or replace the protruding screws/ bolts of the kitchen cupboard doors to render them in a reasonable state of repair and proper working order.

have been satisfactorily completed.

Third, they determined that the RSEO would be varied as follows:

‘The date for completion of the works required in terms of Items 1 and 2 of the RSEO was varied to 6th March 2020.’.

4. On 10th March 2020 the Landlord’s agent sent the Tribunal Administration an invoice from Perfect Glazing (Group) Limited for the supply and fit of doors and windows and also photographs evidencing the installation of new front and back doors and double glazed windows to the rear bedroom.

5. Decision

The Tribunal being satisfied with the said evidence provided by the Landlord’s agents determined that items 1 and 2 of the RSEO had been satisfactorily completed and they also determined to certify that the terms of the RSEO had been completed.

6. The decision of the Tribunal was unanimous.

7. Appeals

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.

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.

J Taylor

**Signed.....
Chairperson**

.....Date 11th May 2020