

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 25(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/2946

Title no: REN89837

29B Orchard Street, Renfrew, PA4 8RJ being the subjects registered in the Land Register of Scotland under Title Number REN89837 ('The Property')

The Parties:-

Claire Wales or Morrison residing formerly at Flat 2/2, 2327 Dumbarton Road, Glasgow, G14 0NL and now at Flat 2/2, 4 Ashton Gate, Lenzie, G66 3ET ('the Landlord').

Nicola Delaney residing at 29B Orchard Street, Renfrew ('the Tenant').

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

Background

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

1. Repair the dampness at the following locations in the Property to render the Property water tight:

1.1 **Living Room** - The internal wall between the Living room and the bedroom which was found to be saturated with dampness to a height of approximately 0.4 metres at the corner near to the bay window.

1.2 **Bathroom** - The party wall of the bathroom behind the whb + wc which was found to be saturated with dampness to a height of approximately 1.5 metres. The section of reinforced beam above and facing the bath which was also found to be saturated with dampness

1.3 **Dining/Kitchen** -

- a) The lower right hand side of the cupboard housing the boiler;
- b) The corner section of the party wall to the right of the old fireplace, and the section of the dividing wall between the dining/kitchen and

- bathroom above the new plasterwork at a height of approximately 1.5 metres;
- c) The wall section immediately to the right of the doorway into the utility room.

1.4 Hall Cupboard - The internal wall between the hallway cupboard and the close to a height of approximately 1.5 metres.

2. Repair the broken double socket in the kitchen to render it in proper working order.
3. Make secure any loose sections of the kitchen flooring.
2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 15th March 2019, which was subsequently extended to 14th July 2019.
3. The Tribunal had previously determined that item 3 of the RSEO had been satisfactorily completed.
4. The parties have confirmed that the Tenant has vacated the Property.
5. The Landlord has confirmed that she has arranged for the required repairs to be carried out to the Property but sufficient time must be allowed for the dampness to dry out.
6. Accordingly, as section 25(1) of the Housing (Scotland) Act 2006 authorises the Tribunal to vary a RSEO in such manner as they consider reasonable the Tribunal 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 is varied to 30th December 2019.'

7. The Tribunal therefore decided that they would vary the RSEO as stated.
8. The decision of the Tribunal was unanimous.

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.

Jacqui Taylor

Signed.....

..... Date 4th November 2019