

**Housing and Property Chamber
First-tier Tribunal for Scotland**



**Notice of Variation
of**

**A Repairing Standard Enforcement Order in terms of Section 25 (1) of the
Housing (Scotland) Act 2006**

**Ordered by the First-tier Tribunal for Scotland Housing and Property Chamber
("the tribunal") under Section 24(1) of the Housing (Scotland) Act**

Chamber reference: RP/15/0266

**Re Flat 2L, 77 Hilltown, Dundee, DD3 7AD being the subjects registered in the
Land Register of Scotland under title number ANG37809 ('the Property')**

The Parties:-

Miss Coreen Morrison residing at the Property ("The Tenant")

Mr Rahim Faruk, 248 Fosse Road North, Leicester, LE3 5RR ("The Landlord")

**The tribunal: Martin J. McAllister, solicitor, legal member and David Godfrey,
surveyor, ordinary member.**

NOTICE TO

Mr Rahim Faruk

The Private Rented Housing Committee having determined on 3rd November 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 8th December 2015 which was varied on 5th May 2016, 25th July 2016, 31st August 2016 and 3rd November 2016 should be further varied, the said **Repairing Standard Enforcement Order** is **HEREBY 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 7th February 2017.

Subsection 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

A homeowner or property factor 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.

Signed at Saltcoats by Martin Joseph McAllister, solicitor, Legal Member, Housing and Property Chamber First-tier Tribunal for Scotland on 27th December 2016 before Margaret Anne McAllister, 51 Hamilton Street, Saltcoats.

M A McAllister

M McAllister

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland Housing and Property Chamber (“the tribunal”) under Section 24(1) of the Housing (Scotland) Act 2006

Chamber Reference: RP/15/0266

Re Flat 2L, 77 Hilltown, Dundee, DD3 7AD being the subjects registered in the Land Register of Scotland under title number ANG37809 (‘the Property’)

The Parties:-

Miss Coreen Morrison residing at the Property (‘The Tenant’)

Mr Rahim Faruk, 248 Fosse Road North, Leicester, LE3 5RR (‘The Landlord’).

The tribunal: Martin J. McAllister, solicitor, legal member and David Godfrey, surveyor, ordinary member.

Decision

The Committee having considered the terms of the reinspection report prepared by the ordinary member and dated 16TH December 2016 (a copy of which is attached) determined that it is reasonable to vary the Repairing Standard Enforcement Order (hereinafter referred to as “RSEO”) dated 8th December 2015 as varied on 5th May 2016, 29th July 2016, 31st August 2016 and 3rd November 2016 determines that there should be a variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 (“the Act”). The RSEO is varied as follows:

The works detailed in the RSEO must be carried out by 7th February 2017.

Findings in Fact

1. A Repairing Standard Enforcement Order (RSEO) relative to the property dated 8th December 2015 was issued requiring works as specified in the Order to be completed by 30th April 2016.

2. There have been four previous variations of the RSEO.
3. On 16TH December 2016 the property was reinspected by the ordinary member of the tribunal and it was found that the works were well advanced and that the only outstanding matters were completion of works in the kitchen and completion of replacement of the shower unit. A copy of the Report is attached.

Reasons for the Decision

4. The Committee accepted that the works had not been done and considered it reasonable to allow the landlord more time to do them. The Committee considered that an extension of time to 7th February would be sufficient.
5. In arriving at its decision the committee took cognisance of the fact that the Property is not currently subject to a tenancy and that, in terms of Section 28(5) of the Act, the landlord would be committing an offence if he enters into a tenancy at any time during which a RSEO has effect in relation to the Property.
6. The committee also noted the significant progress made in completing the works required by the RSEO all as detailed in the reinspection report.
7. In arriving at its Decision the Committee noted that the RSEO had been varied on four previous occasions and that it expected all works to be completed by 7th February 2017.

A homeowner or property factor 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.

Martin J. McAllister
Legal Member,
Housing and Property Chamber
First-tier Tribunal for Scotland
27th December 2016