

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Variation of Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 25**

**Chamber Ref: FTS/HPC/RT/19/0770**

**Title no/Sasines Description: STG57339**

**8 Gateside Avenue, Bonnybridge, FK4 1AX (“the House”)**

**The parties:-**

**Mr Syed Shah, 9 The Holding, Longcroft, FK4 1HD; Suite 4/1, 19 Waterloo Street, Glasgow, G2 6AY (“the Landlord”)**

**Falkirk Council, Suite 1, The Forum, Callendar Business Park, Falkirk, FK1 1XR (“the Third Party Applicant”), now treated as having withdrawn the application submitted on behalf of the former Tenant**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) having determined on 22 March 2021 that the **Repairing Standard Enforcement Order** relative to the House dated 6 November 2019 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the Order is extended until **22 September 2021**.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

**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.

**Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on**

summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents typewritten on this and the preceding page are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 26 March 2021 in the presence of the undernoted witness:-

**Weir**

witness

name in full

Address

**N Weir**

Legal Member