

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 25(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with 7 Glenacre Drive, Airdrie ML6 8BS ("the Property")

The Parties:

Jennifer Anderson, 7 Glenacre Drive, Airdrie ML6 8BS ("the Tenant")

Lee Robert McFarlane Johnston, 10 Strone Place, Airdrie and LRJ Properties Ltd, 30 Oakbank Street, Airdrie ML6 8LE ("the Landlord")

Reference number: FTS/HPC/RP/22/3733

Tribunal members:

**John McHugh, Chairperson
Andrew McFarlane, Ordinary (Surveyor) Member.**

DECISION

The Tribunal varies the Repairing Standard Enforcement Order dated 3 February 2023 by extending the time for compliance by 21 days.

Background

On 3 February 2023 the Tribunal issued its decision that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act. On the same date, the

Tribunal issued a Repairing Standard Enforcement Order (“the RSEO”) in the following terms:

“The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular, the Tribunal requires the Landlord:

1 To carry out works so that the interior of the House is rendered reasonably free of penetrating dampness. Particular attention should be given to the rear bedroom on the first floor and the converted attic bedroom at the chimney breast.

2 To carry out repairs such that water does not leak from the bathroom to the kitchen below.

3 To provide a report from a suitably qualified electrician that the smoke and heat detectors fitted are interlinked and functioning correctly, and there are sufficient smoke alarms as required by the *Scottish Government Guidance for Private Landlords on Satisfactory Provision for Detecting and Warning of Fires*.

4 To carry out decorative remedial works after completing any repairs.

The Tribunal orders that the works specified in this Order must be carried out and completed within 31 days from the date of service of this Notice.”

Reasons for the Decision

On 1 May 2023 the Landlord emailed the Tribunal to confirm that he had taken certain remedial steps including installing a new shower screen; carrying out works to the chimney flashing and clearing the gutters. He proposes now to re-point the chimney and address the leak from the bath. He advises that his electrician has tried to arrange access to address the smoke alarms.

On 10 May 2023 the Tenant emailed the Tribunal to confirm that she considers that the works are incomplete and that the kitchen light was now not working because of the leak from the bathroom above.

In the circumstances, the Tribunal considers it reasonable to vary the time provided for completion of works in the RSEO. However, the Tribunal is very unlikely to allow any further time for compliance in the event that the works are not completed within the additional time period provided. The Landlord should take particular care to ensure that reasonable notice is given to the Tenant of any proposed visits by the electrician or others.

Decision

The Tribunal, considering the terms of section 25 of the Act, determined that the RSEO will be varied to allow a further 21 days from the date of this Decision for compliance.

The decision of the Tribunal was unanimous.

Right of Appeal

A landlord, tenant or third party applicant 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.

Effect of Section 63 of the 2006 Act

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

John M McHugh
Chairperson

Date: 17 May 2023