

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

Variation of RSEO: Housing (Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/18/0510

60 Leng Street, Dundee, DD3 6QY, which subjects form part of the larger subjects, 40¼ Poles of Ground, bounded on the north by Byron Street, Dundee and on the east by Leng Street, at Coldside, near Dundee, in the Barony of Hilltown of Dundee and Parish of Dundee, as more particularly described in the Feu Disposition by Governor and Company of Bank of Scotland to Jainti Dass Saggar and recorded in the General Register of Sasines on 17 October 1928
("The House")

The Parties:-

The successor in title to Dr Karam Dev Saggar, 27 Albany Terrace, Dundee c/o Mr Seng-Say Li, Balgay Property and Investment Services, 8 Westport, Dundee, DD1 5EP
("the Landlord")

Neena Saggar, Westridge House, Badgers' Hill, Evesham, Worcestershire, WR11 4SD
("the Landlord's representative")

Tribunal members

Susanne L M Tanner Q.C. (Legal Member)
David Godfrey (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) ("the tribunal") having determined on 31 October 2018 that the **Repairing Standard Enforcement Order relative to the house dated 15 August 2018, served on 16 August 2018, 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 original period of 90 days from the date of service allowed for the completion of the work required by the order is extended by an additional period of 180 days.

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.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Susanne L M Tanner, Queen's Counsel, Legal Member and Chair of the tribunal

at Edinburgh (place)
on 1 November 2018 (date)

S Tanner

_____ Legal Member/Chair

before this witness:-

E Lourenco

_____ Witness

ELA LOURENCO Name in full

24 RATTRAY GROVE Address

EDINBURGH EH10 5TL

UK

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**DECISION WITH STATEMENT OF REASONS FOR VARIATION OF RSEO:
Housing (Scotland) Act 2006, Section 25**

Chamber Ref: FTS/HPC/RP/18/0510

60 Leng Street, Dundee, DD3 6QY, which subjects form part of the larger subjects, 40¼ Poles of Ground, bounded on the north by Byron Street, Dundee and on the east by Leng Street, at Coldside, near Dundee, in the Barony of Hilltown of Dundee and Parish of Dundee, as more particularly described in the Feu Disposition by Governor and Company of Bank of Scotland to Jainti Dass Saggar and recorded in the General Register of Sasines on 17 October 1928 ("The House")

The Parties:-

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Neena Saggar, Westridge House, Badgers' Hill, Evesham, Worcestershire, WR11 4SD ("the Landlord's representative")

Tribunal members

**Susanne L M Tanner Q.C. (Legal Member)
David Godfrey (Ordinary Member)**

DECISION

1. The tribunal, having taken account of the email submitted by solicitors acting for the Landlord's representative dated 12 October 2018 and previous written documentation submitted by the Landlord's Representative, hereby varies the Repairing Standard Enforcement Order (RSEO) dated 15 August 2018, in terms of section 25 of the 2006 Act, to the effect of extending the period of

time allowed for the works specified therein for an additional period of 180 days from the date of service of the RSEO, (making the total time for compliance 270 days from the date of service of the RSEO).

2. The decision of the tribunal was unanimous.

Reasons

3. Reference is made to the decision of the tribunal dated 15 August 2018 and the RSEO of the same date, ordering that the works specified therein had to be completed within 90 days of the date of service. The RSEO was served on 16 August 2018.
4. In the period since the date of service of the decision with statement of reasons and RSEO the Landlord has kept the tribunal apprised and submitted documentation relating to, amongst other things, the ongoing planning application for demolition of the House and her de-registration as a landlord on the Landlord Register for Scotland.
5. On 12 October 2018, Dallas McMillan, Solicitors, Glasgow, submitted a letter to the tribunal's administration stating that they were acting on behalf of the Landlord's Representative in relation to negotiations for the sale of the House. The solicitor enclosed a copy of the draft adjusted offer for the sale of the property, which is subject to change of use and planning permission being granted. The solicitor advised that indications are that the planning application which has been lodged is likely to be successful. A request was made for a variation of the time allowed for compliance with the RSEO for a further period of six months to allow the planning application to be determined and the sale to proceed. The solicitor stated that such a variation would obviate the need for repairs to be carried out; there is no tenant in the House or danger to any person; and the Landlord's Representative has also been de-registered as a landlord on the Landlord Register for Scotland.
6. There are no other parties to the Application.
7. In light of the information and documentation submitted by and on behalf of the Landlord's Representative, the tribunal decided that it is prepared to accede to the Landlord's Representative's request and vary the RSEO to allow the time period for works to be extended by an additional 180 days, to give a total time period for compliance of 270 days from the date of service of the RSEO.

Right of Appeal

- 8. 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

9. 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.

S Tanner

Signed

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Susanne L M Tanner, Queen's Counsel, Legal Member and Chair of the tribunal

Date 1 November 2018