

# **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: Housing (Scotland) Act 2006 Section 25**

**Chamber Ref: FTS/HPC/RP/18/0037**

**Property Description: 9 Bull Road, Glasgow G76 8EF being the subjects registered in the Land Register under title number REN97743 ("The House")**

**The Parties:-**

**Mr Rupesh Muramalla, residing at the House ("the Tenant")**

**Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigie, Western Australia, 6025 (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow G76 7BG) ("the Landlord")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Joan Devine (Legal Member); Greig Adams (Ordinary Member)**

**The Tribunal having determined on 30 August 2018 that the RSEO relative to the House served on 3 May 2018 should be varied, the said RSEO 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 to 31 October 2018.**

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

**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.**

**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.

J Devine

Signed

Joan Devine, Chairing Member

Date

30 August 2018

In witness whereof these presents type written on this and the preceding page are executed by Joan Devine, Solicitor, Cornerstone, 107 West Regent Street, Glasgow G2 2BA, Chairing Member of the Tribunal at Glasgow on 30 August 2018 before this witness:-

L Smith

witness :

name in full : LAURA SMITH

Address : Cornerstone, 107 West Regent Street, Glasgow G2 2BA

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Determination of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 25 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/18/0037**

**Property Description: 9 Bull Road, Glasgow G76 8EF being the subjects registered in the Land Register under title number REN97743 ("The House")**

**The Parties:-**

**Mr Rupesh Muramalla, residing at the House ("the Tenant")**

**Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigie, Western Australia, 6025 (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow G76 7BG) ("the Landlord")**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") comprising: Joan Devine (Legal Member); Greig Adams (Ordinary Member)**

### **Background**

1. The Tribunal issued a decision on 3 May 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order ("RSEO") relative to the House issued by the Tribunal on the same date. The RSEO required the Landlord to:
  - (i) repair or replace the render on the exterior of the House as required to leave the render free from cracks and boss areas and ensure that the House is left in a wind and watertight condition with the render in a reasonable state of repair;
  - (ii) repair or replace all gutters and downpipes serving the House to leave the House wind and watertight and in a reasonable state of repair; and
  - (iii) appoint a suitably qualified damp specialist to report on the areas of dampness in the hall, bedroom and kitchen of the House and undertake all remedial works recommended, including all necessary redecoration.

The Tribunal ordered that the works specified in this order must be carried out and completed within the period of 10 weeks from the date of service of the RSEO.

2. A letter was received from Your Move, agent for the landlord on 20 June 2018 enclosing a copy email from the Tenant in which the Tenant gave notice to terminate the tenancy. Your Move noted that the tenancy came to an end on 18 June 2018.
3. On 30 July 2018 an email was received from the Landlord in which she explained that she lived in Australia and was travelling back to Scotland in September. The Landlord said that steps had been taken to fix the seals on windows at the House. She said that steps had been taken to deal with the damp in the House. The Landlord sought further time to complete the works set out in the RSEO.
4. A re-inspection was carried out on 30 July 2018. The re-inspection consisted of an inspection of the exterior of the House only. No access was obtained to the interior of the House. The re-inspection report noted that no remedial works had been progressed to the render of the House or to the gutters and downpipes. No report had been provided from a damp specialist. There was however evidence of dehumidifiers drying the property.
5. An email was received from the landlord on 25 August 2018 in which the landlord explained that the works specified in the RSEO would be completed by 27 October 2018.
6. Having considered all of the information received, the Tribunal considered that in all the circumstances it would be reasonable to vary the RSEO to allow a further period for completion of the works required. It accordingly varies the RSEO to extend the period for completion of the works to 31 October 2018.

### **Decision**

7. The Tribunal determined that the period of time for completion of the works set out in the RSEO should be extended to 31 October 2018.

### **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.** 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.

J Devine

Signed

Joan Devine, Chairing Member

Date

30 August 2018

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

Re-Inspection Report

Chamber Ref: FTS/HPC/RP/18/0037



*Glasgow  
30 August 2018  
this is the  
re-inspection  
report referred  
to in the  
foregoing  
determination*  
J Devine

*1 legal member*

**Property Description:** 9 Bull Road, Glasgow G76 8EF being the subjects registered in the Land Register under title number REN97743 ("The House")

**The Parties:-**

**Mr Rupesh Muramalla, residing at the House**  
("the former Tenant")

**Ms Kirstien Simons or King, residing at 43 Fenella Crescent, Craigie, Western Australia, 6025** (represented by her agent Your Move, 7 The Toll, Clarkston, Glasgow G76 7BG)  
("the Landlord")

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal')** comprising: Joan Devine (Legal Member); Greig Adams (Ordinary Member)

**Background:** The Tribunal issued a Decision on 2 May 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property. The RSEO required completion of the works specified within the order within a period of 10 weeks from the date of service of the notice. The former Tenant is not an active party and is no longer in occupation.





**Access:** The re-inspection was undertaken on Monday 30 July 2018 at 10.00am by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the specified external works detailed within the RSEO and no access was obtained to the internal parts of the House. Mr Adams was not accompanied throughout the inspection.

**Purpose of Re-inspection:** The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

**Works required under the Repairing Standard Enforcement Order (RSEO):** The RSEO required the Landlord:

1. repair or replace the render on the exterior of the House as required to leave the render free from cracks and boss areas and ensure that the House is left in a wind and watertight condition with the render in a reasonable state of repair;
2. repair or replace all gutters and downpipes serving the House to leave the House wind and watertight and in a reasonable state of repair; and
3. appoint a suitably qualified damp specialist to report on the areas of dampness in the hall, bedroom and kitchen of the House and undertake all remedial works recommended, including all necessary redecoration.

The Tribunal ordered that the works specified in the Order must be carried out and completed within 10 weeks from 2 May 2018.

**The re-inspection found:**

1. No remedial works had been progressed to the render of House and the condition of these parts remained as per the previous inspection on 20 April 2018 and in poor condition.
2. No remedial works had been progressed to the gutters and downpipes of the House and these parts remained as per the previous inspection on 20 April 2018 and in poor condition.
3. No access was obtained internally, however evidence of dehumidifiers drying the property was noted. No report from a damp specialist has been provided to the Tribunal.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

G Adams

Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE  
Surveyor Member  
**First-tier Tribunal for Scotland (Housing and Property Chamber)**



## Appendix A – Photographic Record



1 Front Elevation.



2 Gable Elevation – view of cracked render.



3 Gable elevation – view of cracked render.



4 Rear Elevation.



5 Rear Elevation.



6 Rear Elevation gutter and downpipes.



7 Defective render at Front Elevation.