

# Housing and Property Chamber First-tier Tribunal for Scotland

---



## **Notice of a Decision to Vary a Repairing Standard Enforcement Order**

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

(Hereinafter referred to as “the tribunal”)

**Case Reference Number: FTS/HPC/RP/18/3097**

**Re: 33B Glenacre Drive, Glasgow G45 9DT (“the house”)**

**Land Register Title No: GLA136346**

### **The Parties:-**

**Ms Michelle Fenton, residing at the house (“the tenant”)**

**Mr Michael Duffy, 66 Firpark Road, Bishopbriggs, Glasgow G64 1SU (“the landlord”)**

**Tribunal Members – Sarah O'Neill (Legal Member) and Mike Links (Ordinary Member, Surveyor)**

### **Repairing Standard Enforcement Order Against:**

**Mr Michael Duffy (“the landlord”)**

The tribunal, having determined on 11 June 2019 that the Repairing Standard Enforcement Order relative to the house dated 4 February 2019 and varied on 16 April 2019 should be varied again, the tribunal hereby varies the Repairing Standard Enforcement Order to the effect that the period allowed for the completion of the works required by the Repairing Standard Enforcement Order is extended for a further six weeks until **23 July 2019**.

### **Rights of Appeal**

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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 typewritten on this and the preceding page are signed by Sarah Frances O'Neill, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the eleventh day of June Two Thousand and Nineteen before this witness:

J Devlin

S O'Neill

witness

chairperson

JORDAN DEVLIN name in full

20 York Street Address

Glasgow

G2 8GT

# Housing and Property Chamber

## First-tier Tribunal for Scotland

---



### **Determination of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

(Hereinafter referred to as “the tribunal”)

### **Statement of decision of the Tribunal under Section 25 of the Housing (Scotland) Act 2006**

**Case Reference Number: FTS/HPC/RP/18/3097**

**Re: 33B Glenacre Drive, Glasgow G45 9DT (“the house”)**

**Land Register Title No: GLA136346**

#### **The Parties:-**

**Ms Michelle Fenton, residing at the house (“the tenant”)**

**Mr Michael Duffy, 66 Firpark Road, Bishopbriggs, Glasgow G64 1SU (“the landlord”)**

**Tribunal Members – Sarah O’Neill (Legal Member) and Mike Links (Ordinary Member, Surveyor)**

#### **Repairing Standard Enforcement Order Against:**

**Mr Michael Duffy (“the landlord”)**

#### **Background**

1. The tribunal issued a decision on 4 February 2019 requiring the landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the tribunal on the same date. The RSEO required the landlord to:
  1. Instruct a suitably qualified contractor to repair or replace:1) all of the windows in the house, including the vents and 2) the rear kitchen door, to ensure that all windows and the rear kitchen door are wind and watertight and in proper working order.
  2. Instruct a suitably qualified specialist surveyor to produce a dampness report in respect of the house, and to carry out any remedial works recommended in that report, in order to ensure that the house is wind

and watertight and in all other respects reasonably fit for human habitation. A copy of the specialist surveyor's report should also be copied to the tribunal within the timescale set out below.

3. Instruct a suitably qualified plumbing contractor to carry out an examination of the entire plumbing installation at the house, including the boiler/cylinder, to check the water purity within the house, and investigate the cause of the plumbing issues within the house, including a) the discoloured water in the bathroom and 2) the leak under the kitchen sink and c) any issues with the water going into the washing machine. A copy of the plumbing contractor's report should also be copied to the tribunal within the timescale set out below.
4. Carry out any works recommended by that contractor, in order to ensure that the water within the house is safe to use; and that the plumbing installation is in a reasonable state of repair and in proper working order.
5. Instruct a suitably qualified electrical contractor to repair or replace the lights under the kitchen cupboard, to ensure that they are in a reasonable state of repair and in proper working order.
6. Replace the dishwasher with a new dishwasher which is in a reasonable state of repair and in proper working order.
7. Replace the electric oven with a new oven which is in a reasonable state of repair and in proper working order.
8. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal ordered that the works specified in the RSEO must be carried out and completed within 8 weeks from the date of service of the RSEO.

2. A letter received from the tenant's solicitor on 27 March 2019 confirmed that the works required at items 5, 6 and 7 of the RSEO had been carried out, but that the remaining works had not been carried out. In a further letter dated 8 April 2019, the tenant's solicitor confirmed that new windows had been fitted at the house on 1 April.
3. The landlord requested an extension to the deadline for completion of the remaining works. On 16 April 2019, the tribunal varied the RSEO to extend the period for the completion of the works until 2 June 2019.

4. On 8 May 2019, a letter was received from the landlord, enclosing a copy of the dampness report which he had instructed. On 29 May 2019, a letter was received from the landlord requesting a further extension of time for the remaining works to be carried out. He suggested that the tradespeople he had instructed to carry out the plumbing work and the works recommended in the dampness report had had difficulties in dealing with the tenant. He stated that the work would have now been completed had the tenant been more accommodating.
5. In a letter of 6 June, the tenant's solicitor confirmed to the tribunal that they had no objection to the landlord being given an extension of time to complete the repairs. They also confirmed that on 31 May a radiator had been installed in the living room, and thermostats fitted to other radiators, as recommended in the dampness report. The installation of extractor fans in the bathroom and kitchen, as also recommended by the dampness report, had not yet been carried out, however.
6. The tribunal notes that, while it is the landlord's responsibility to carry out the works, the tenant equally has a responsibility to provide access for the works to be done, and to co-operate with the landlord's tradespeople as necessary. As stated in the letter of 6 June from the tenant's solicitor, it is in both parties' interests for the work to be completed as quickly as possible.
7. In all the circumstances, given that most of the works now appear to have been carried out, the tribunal varies the RSEO to extend the period for the completion of the works for a further six weeks until **23 July 2019**.

**Rights of Appeal**

8. In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.
9. 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.

S O'Neill

Signed.....

.....Date..... 11/6/19.....

Sarah O'Neill, Chairperson