

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Variation of a Repairing Standard Enforcement Order ('RSEO')

Housing (Scotland) Act 2006 Section 25 ('the Act')

Chamber Ref: FTS/HPC/RP/17/0435

Property at G/00, 12 Bank Street, Glasgow G12 8JQ

Land Register Title Number GLA 96888

('the Property')

THE PARTIES:

Messrs Elliott Burke, Calum Gordon and Jason Mill, residing at G/00, 12 Bank Street,

Glasgow G12 8JQ

('the Tenants')

Mr Jonathan Weir of Resinvest Limited, a company incorporated under the Companies Acts (registered company number SC456258) and having their Registered Office at 163 Bath Street, Glasgow G2 4SQ

('the Landlord')

Represented by Mr Ross Armstrong and Mr Craig Armstrong of Absolute Residential Ltd, Suite 173, 103 Byres Road, Glasgow G11 5HW

('the Landlord's Representatives')

NOTICE TO LANDLORD

Whereas in terms of their Decision dated 19th June 2018, the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Repairing Standard Enforcement Order ('RSEO') dated 10th April 2018 and registered against the Property in the Land Register of Scotland under Title Number GLA 96888 should be varied, the said RSEO is hereby varied with effect from the date of service of this notice in the following respect:-

1. The period allowed for completion of the work required by the RSEO is extended for a period of 14 weeks following the date of service of this Notice.

A Landlord, Tenant or Third Party applicant aggrieved by the Decision of the Tribunal may seek permission to appeal from the First-tier 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. 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.

In witness whereof these presents type written on this and the preceding page are executed by Joseph Christopher Hughes, Solicitor Advocate, Legal Member and Chairperson of the Tribunal at Glasgow on 19th June 2018 in the presence of the undernoted witness :-

I M McClelland

J Hughes

..... Witness

Chairperson

'Ian Mark McClelland',

Solicitor

J C Hughes Solicitors

1028 Tollcross Road

Glasgow

G32 8UW

Housing and Property Chamber
First-tier Tribunal for Scotland



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

(‘the Tribunal’)

STATEMENT OF DECISION

Housing (Scotland) Act 2006 Section 26(1) (‘the Act’)

Chamber Ref: FTS/HPC/RP/17/0435

Property at G/00, 12 Bank Street, Glasgow G12 8JQ

Land Register Title Number GLA 96888

(‘the Property’)

THE PARTIES:

Messrs Elliott Burke, Calum Gordon and Jason Mill, Tenants of G/00, 12 Bank Street, Glasgow
G12 8JQ

(‘the Tenants’)

Mr Jonathan Weir of Resinvest Limited, a company incorporated under the Companies Acts
(registered company number SC456258) and having their Registered Office at 163 Bath Street,
Glasgow G2 4SQ

(‘the Landlord’)

Represented by Mr Ross Armstrong and Mr Craig Armstrong of Absolute Residential Ltd, Suite 173,
103 Byres Road, Glasgow G11 5HW

(‘the Landlord’s Representatives’)

THE TRIBUNAL MEMBERS:

Mr Joseph C Hughes [Legal Member]

Mr Greig Adams [Ordinary Member/ Surveyor]

DECISION:

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has carried out the works required by the Repairing Standard Enforcement Order ('RSEO') made in respect of the property on 10th April 2018, determined that the Landlord is unable to complete the works required due to extensive renovation work being carried out, the RSEO should be varied to allow an additional period of time for the work required by the RSEO to be carried out.

BACKGROUND:

2. On 18th April 2018 the Housing and Property Chamber of the First-tier Tribunal for Scotland determined, following an Inspection and Hearing, that the Landlord had failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ('the Act').

3. The Tribunal made an RSEO requiring the Landlord:

(i) To instruct and obtain a specialist Report from a suitably qualified damp specialist surveyor (in addition to the previously submitted Wise Report) to confirm the nature and extent of the dampness and the condensation affecting the Property including specifically the external wall in Bedroom 1L, the Living Room in the area of high level staining, and within the Kitchen. To thereafter carry out all necessary repairs and / or renewals identified in terms of such Report in order that the property is watertight and reasonably fit for human habitation, and to redecorate all as appropriate;

(ii) To repair or replace the damaged plaster and skirting within the Living Room Store to eradicate this means of access for mice infestation, whilst appointing as necessary a Pest Specialist to eradicate all active mice infestation; and

(iii) To repair or replace the fridge.

4. On 25th April 2018 the Landlord emailed the Tribunal providing an update in respect of works being carried out at the Property. One issue within the RSEO was to address the damp issue. The landlord has instructed a roofer to replace the roof at the property and also to the neighbouring property at 10 Bank Road. On 10th May 2018 the Landlord provided updated information directly from the roofer, Caledonian Roofing Company Limited, in a letter from them dated 10th May 2018. A completion time of some 4 months has been indicated by the roofer.

5. In the circumstances no inspection has been carried out in light of the ongoing renovation work to the roof. This is described by the Landlord as 'the most robust and concise way' of addressing the damp issue.

FINDINGS OF FACT:

6. The Tribunal make the following findings of fact:

(a) The Property is currently undergoing major renovation with the installation of a new roof;

(b) Caledonian Roofing Limited are carrying out the work and estimate approximately 4 months from May 2018 to complete the work to the roof;

(c) No inspection of the Property has been carried out by the Tribunal in light of the ongoing renovation work; and

(d) The Tribunal does not consider it appropriate at this stage in the renovation work to carry out its Inspection of the Property.

REASONS FOR DECISION:

7. The Tribunal determined that it was reasonable to permit a further period of 14 weeks to allow the Landlord to complete the renovation work in order to fully address the terms of the RSEO.

8. Accordingly the RSEO should be varied to extend the period for completion of the work to 14 weeks after the date of intimation to the landlord of this Variation.

9. The Decision of the Tribunal is unanimous.

RIGHT OF APPEAL:

10. 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.

EFFECT OF SECTION 63:

11. Where such an Appeal is made, the effect of the Decision and the Order is suspended until the Appeal is abandoned or finally determined by the Upper Tribunal

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.

J Hughes

'Joseph Christopher Hughes'

Legal Member and Chairperson

Housing and Property Chamber

Dated 19th June 2018