

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Sections 25 of the Housing (Scotland) Act 2006

Property: South Barbeth Cottage, New Abbey, Dumfries DG2 8DB (“the Property”/ “the house”)

Title No: KRK2334 (part)

Chamber Reference: FTS/HPC/RT/19/2313

Parties:

Mr Scott Wright and Ms Bernadette Ellis, South Barbeth Cottage, New Abbey, Dumfries DG2 8DB (“the Tenant”)

Mr Hope Vere Anderson, Barbeth House, New Abbey, Dumfries DG2 8DB (“the Landlord”)

Dumfries & Galloway Council, Strategic Housing Services, Council Offices, Buccleuch Street, Dumfries DG1 2AD (“Third Party Applicant”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Donald Wooley (Ordinary Member/Surveyor)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) refused the request by the Landlord for a Variation of the Repairing Standard Enforcement Order it made in respect of the Property on 1 October 2019.

Background

On 1 October 2019, the Tribunal made a Repairing Standard Enforcement Order (“the Order”) in respect of the Property. On 16 March 2020, the Tribunal determined that the Landlord had failed to comply with the Order and made a Rent Relief Order. The failure to comply was also intimated to the local authority and to Police Scotland.

On 12 October 2020, the Landlord advised the Tribunal that the Tenant had served notice of intention to leave the Property, the period of notice commencing on 25 October 2020 and on 15 October 2020, the Landlord asked the Tribunal to vary the Order to allow additional time for completion of the works required by the Order.

Reasons for the Decision

The Tribunal determined that the request for a Variation must be refused. The Tribunal had already decided that the Landlord had failed to carry out the works required within the timescale specified in the Order and had reported that failure to the local authority and to Police Scotland. It would not, therefore, be competent for the Tribunal to vary the Order to extend the timescale for completing the works.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

G Clark

Signed:

Legal Member/Chair Date: 28 October 20

