

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: PRHP/RP/16/0347

Title no: LAN121836 in the Land Register of Scotland

Re: Property at 28 Burnside Court, Motherwell ML1 2BD

("The House")

The Parties:-

Richard Mullen and Caroline Mullen, formerly of 28 Burnside Court, Motherwell ML1 2BD

("the Former Tenants")

Andrew Struthers, Greenbank Farm, Kilncadzow, Carluke ML8 4QR

("the Landlord")

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having determined on 31st March 2017 that the **Repairing Standard Enforcement Order** relative to the House served on 6th March 2017 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 period allowed for the completion of the work required by the order is varied to allow the Landlord until 30th April 2017 to complete the work required by the order.

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 are executed by Rory A. B. Cowan solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 31st March 2017 before this witness:-

E Matheson

witness

R A B Cowan

chairperson

name in full

c/o 16 Royal Exchange ^{Square} Address
Glasgow
G1 3AG

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Statement of Reasons for Variation of Repairing Standard Enforcement Order:
Housing (Scotland) Act 2006 Section 25**

Chamber Ref: PRHP/RP/16/0347

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The Parties:-

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ML1 2BD**

("the Former Tenants")

Andrew Struthers, Greenbank Farm, Kilncadzow, Carluke ML8 4QR

("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having considered the Landlord's application dated 28th March 2017 to vary the Repairing Standard Enforcement Order (RSEO) relative to the House served on 6th March 2017 determines that the RSEO should be varied to allow the Landlord until 30th April 2017 to complete the works required by the order for the following reasons:

- The Landlord has indicated that works have already been partially completed to the House and that he is waiting on further works to be completed. Further, the Landlord has indicated he is due to be on holiday from 2nd to 15th April 2017 and the works are to be completed during this period.
- As the Former Tenants have vacated the House and it being a criminal offence to re-let the House whilst subject to a RSEO under section 28(5) of the 2006 Act, no one is disadvantaged by granting the Landlord further time to complete the works.

The tribunal therefore agreed to extend the period allowed under the order for the works to be completed. The Landlord should note that, the House will be subject to re-

inspection as soon as practicably possible after the 30th of April 2017 to ensure all the work required by the order have been completed.

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.

R A B Cowan

Signed

Date.....31st March 2017.....

Chairperson