

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) being the statutory successor to the Private Rented Housing Committee in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (SSI 2016/337).

Notice of a decision to vary a Repairing Standard Enforcement Order (“RSEO”) made under section 25(1) of the Housing (Scotland) Act 2006 (“the Act”).

Chamber Ref: PRHP/RP/16/0290

Property: Woodend Lodge, Wardhill, Gartocharn G83 8SB (“the property”)

The Parties:-

Miss Jennifer McDougall, Woodend Lodge, Wardhill, Gartocharn G83 8SB (“the tenant”)

Mr Mark Dinardo, Dinardo and Partners, Mirren Court (One) 119 Renfrew Road, Paisley PA3 4EA (“the landlord”)

Tribunal members: Simone Sweeney (legal member and chairperson); Kingsley Bruce (ordinary member- surveyor)

Decision

The Tribunal varies the Repairing Standard Enforcement Order ("RSEO") relative to the property dated 30 November 2016 to the effect that reference to Gargowan Lodge is removed from the description of the subjects and the RSEO refers to Woodend Lodge, Gartocharn only. This variation is to take effect from the date of service of the Notice of variation of the RSEO on the landlord. In all other respects the RSEO dated 30 November 2016 made by the Private Rented Housing Committee remains unaltered.

Facts and Reasons for the decision

1. The Private Rented Housing Committee issued a RSEO and determination dated 30 November 2016 to which reference is made.
2. The RSEO referred to the subjects as, *"Gargowan Lodge and Woodend Lodge, Gartocharn, Alexandria, G83 8SB."*
3. The application before the Tribunal of 8th September 2016 in terms of section 22(1) of the Act was in connection with Woodend Lodge, Gartocharn, only. Gargowan Lodge is not part of the application.
4. The RSEO should apply to the Woodend Lodge, Gartocharn only. There are no requirements for works to Gargowan Lodge in the RSEO.
5. The description of the subjects to which the RSEO applies should be amended to read:-

"All and Whole the subjects known as and forming Woodend Lodge, Gartocharn, Alexandria G83 8SB, all as shown hatched blue on the Title Plan relating to the after mentioned Land Certificate and being part and portion of subjects contained in Land Certificate Number DMB85432 (hereinafter referred to as "the house")."

6. Having identified the error, the Tribunal determined that the terms of the RSEO be varied to remove any reference to Gargowan Lodge and to amend the description of the subjects to which the RSEO applies, all in terms of section 25 (1) (a) of the Act.

Appeal Provisions

A landlord, tenant or third party 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.

S Sweeney

Simone Sweeney, legal chairing member. Glasgow.

24th March 2017

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of a decision to vary a Repairing Standard Enforcement Order (“RSEO”) made under section 25(1) of the Housing (Scotland) Act 2006 (“the Act”) ordered by First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), being the statutory successor to the Private Rented Housing Committee in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (SSI 2016/337).

Property to which RSEO relates: All and Whole the subjects known as and forming Woodend Lodge, Gartocharn, Alexandria G83 8SB, all as shown hatched blue on the Title Plan relating to the after mentioned Land Certificate and being part and portion of subjects contained in Land Certificate Number DMB85432 (hereinafter referred to as “the house”).

Chamber Ref: PRHP/RP/16/0290

The Parties:-

Miss Jennifer McDougall, Woodend Lodge, Wardhill, Gartocharn G83 8SB (“the tenant”)

Mr Mark Dinardo, Dinardo and Partners, Mirren Court (One) 119 Renfrew Road, Paisley PA3 4EA (“the landlord”)

Tribunal members: Simone Sweeney (legal member and chairperson); Kingsley Bruce (ordinary member - surveyor)

NOTICE TO Mark Dinardo ("the landlord")

The Tribunal varies the Repairing Standard Enforcement Order ("RSEO") relative to the house dated 30 November 2016 to the effect that reference to Gargowan Lodge is removed from the description of the subjects and the RSEO relates to Woodend Lodge, Gartocharn only. This variation is to take effect from the date of service of this Notice. In all other respects the RSEO dated 30 November 2016 made by the Private Rented Housing Committee remains unaltered.

A landlord, tenant or third party 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.

In witness whereof these presents typewritten on this and the preceding page are executed by Ms Simone Sweeney, legal member and chairperson at Glasgow on 24th day of March 2017 in the presence of the undernoted witness :-

S Sweeney

Witness

J McAnulty

Name in full

1 ATLANTIC QUAY

Address

GLASGOW, G2 8JB