

Housing and Property Chamber

First-tier Tribunal for Scotland



Notice of a Decision to Vary

A Repairing Standard Enforcement Order

Housing (Scotland) Act 2006 Section 25

Property: 7 Townend Road, Kilmarnock KA1 4TD ("the Property")

Land Certificate Number: AYR49908

Chamber Reference: FTS/HPC/RP/18/0391

Suzanne Stirrat, residing at 7 Townend Road, Kilmarnock KA1 4TD ("the Tenant")

Maconachies of Kilmarnock Limited, incorporated in Scotland under the Companies Acts (SCO32179) and having their Registered Office at 22-26 Campbell Street, Kilmarnock KA1 4HW ("the Landlord")

Tribunal Members – George Clark (Legal Member/Chairperson) and Robert Buchan (Ordinary Member/Surveyor)

NOTICE TO SUZANNE STIRRAT ("the Landlord")

The First-Tier Tribunal for Scotland (Housing and Property Chamber) having determined on 20 July 2018 that the Repairing Standard Enforcement Order relative to the Property made on 10 June 2018 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 respect:-

1. The period allowed for the completion of the work required by the Order is extended to 31 August 2018.

Right of Appeal

A landlord, tenant or third party applicant 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 variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation 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 George Barrie Clark, solicitor, Lasswade, Legal Member/Chairperson, at Lasswade on 20 July 2018 before this witness Valerie Elizabeth Jane Clark, 5 School Brae, Lasswade, Midlothian.

G Clark

V Clark

_____ Legal Member/Chairperson _____ Witness

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 Section 25 (1) of the Housing (Scotland) Act 2006

Property: 7 Townend Road, Kilmarnock KA1 4TD (“the Property”)

Chamber Reference: FTS/HPC/RP/18/0391

Suzanne Stirrat, residing at 7 Townend Road, Kilmarnock KA1 4TD (“the Tenant”)

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Tribunal Members – George Clark (Legal Member/Chairperson) and Robert Buchan (Ordinary Member/Surveyor)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having considered a request by the Landlord for an extension of the period within which the work required by the Repairing Standard Enforcement Order made on 10 June 2018 must be completed, decided to vary the Order in terms of Sections 25(1) and 25(2) of the Housing (Scotland) Act 2006, to allow the Landlord until 31 August 2018 to complete the work.

Background

1. The Tribunal made a Repairing Standard Enforcement Order (“the Order”) in respect of the Property on 10 June 2018.
2. The Order required the Landlord:
 - (1) to carry out such repairs as are necessary to make the windows throughout the Property wind and water tight;
 - (2) to carry out such repairs to the small top-hung windows in the upstairs bedrooms as are necessary to render them wind and water tight and in proper working order; and

(3) to carry out such repairs as are required to the rear entrance door and its surround to render it wind and water tight and in proper working order.

The Tribunal order that the works required by this Order must be carried out within the period of 4 weeks from the date of service of the Order.

3. On 6 July 2018, the Landlord advised the Tribunal by letter that the hinges and sealant around the windows had been replaced to make them wind and water tight, but that the landlord had decided to fit a new PVC double glazed door, rather than carry out repairs to the existing door. The Landlord provided evidence that the replacement door had been ordered with a delivery date during the week commencing 6 August 2018. The Landlord accordingly requested an extension of time to allow the work to be carried out.

Reasons for the decision

4. The Tribunal was content to allow the extension requested, as it was satisfied that the door had been ordered and that no significant inconvenience to the Tenant would be caused by extending the period during which the work required by the Order must be carried out.

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.

G Clark

Signed
Date: 20 July 2018

..... Legal Member/Chairperson