

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Certificate of Completion:** in respect of Section 60 of the Housing (Scotland) Act 2006 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref** PRHP/RP/16/0182

**Parties:** Raymond Heath, CAB, 11 Alexandra Street, Kirkintilloch G66 1HB on behalf of Fiona Rodger then residing at 13 Hazel Dene, Bishopbriggs, Glasgow G64 1TZ, formerly the tenant of the Property  
and

Mr Alan Devine residing at formerly at 17 Hutchison Drive, Bearsden, Glasgow G61 2JT and now at the Property ("the Landlord")

**Property:** 13 Hazel Dene, Bishopbriggs G64 1TZ registered in the Land Register for Scotland under Title Number GLA172366 ("the Property")

### **Tribunal Members**

Karen Moore (Chairperson)

Carol Jones (Ordinary Member)

### **Certificate of Completion**

The tribunal hereby certifies that the work required by the Repairing Standard Enforcement Order imposed by it and registered in the in the Land Register for Scotland against Title Number GLA172366 has been completed. Accordingly, the said Repairing Standard Enforcement Order is revoked.

### **Review of tribunal's decision**

Any 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 the party must seek leave to appeal from the First-tier tribunal. The appeal must be made within thirty days of the date when the decision was sent to them.

In witness whereof :-these presents typewritten on this page are executed by Karen Moore, Solicitor, Glasgow, Chairperson of the Private Rented Housing Committee at Glasgow on 22 January 2017 before this witness Norman William Moore, Solicitor, Dunnswood House, 10 Dunnswood Road, Cumbernauld.

**K Moore**

Karen Moore, Chairperson

**N Moore** *Witness*

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**STATEMENT OF DECISION:** in respect of Sections 25 and 60 of the Housing (Scotland) Act 2006 ("the Act") and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

**Chamber Ref** PRHP/RP/16/0182

**Parties:** Raymond Heath, CAB, 11 Alexandra Street, Kirkintilloch G66 1HB on behalf of Fiona Rodger then residing at 13 Hazel Dene, Bishopbriggs, Glasgow G64 1TZ, formerly the tenant of the Property

and

Mr Alan Devine residing at formerly at 17 Hutchison Drive, Bearsden, Glasgow G61 2JT and now at the Property ("the Landlord")

**Property:** 13 Hazel Dene, Bishopbriggs G64 1TZ registered in the Land Register for Scotland under Title Number GLA172366 ("the Property")

### Tribunal Members

Karen Moore (Chairperson)

Carol Jones (Ordinary Member)

### Background

1. By application received on 6 May 2016 ("the Application"), Raymond Heath applied to the Private Rented Housing Panel (now the First-tier Tribunal for Scotland) on behalf of Ms. Rodger for a determination that the Landlord had failed to comply with the duty imposed on him by Section 14 (1) (b) of the Housing (Scotland) Act 2006 in respect that the Property did not meet the Repairing Standard in respect of Sections 13 (1) (a), 13 (1) (b), 13(1)(c), 13(1)(d), 13(1) (f) and 13(1) (g) of the Act. The President of the Private Rented Housing Panel referred the Application to a Private Rented Housing Committee (now the tribunal) and, in terms of Schedule 2, Paragraph 1 of the Act, fixed an Inspection and Hearing for 29 July 2016 at 10.00 a.m. and 11.30 a.m., respectively.

2. Following the Inspection and Hearing, the Committee determined that, in respect of Sections 13 (1) (a), 13 (1) (b), 13(1) (c), 13(1)(d), 13(1) (f) and 13(1) (g) of the Act, the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) and imposed a Repairing Standard Enforcement Order ("RSEO").

3. The Ordinary Member attempted to re-inspect the Property on 24 October 2016 but was refused access by the Landlord who stated that the Property was no longer tenanted and that he resided at the Property. The Committee, therefore, issued a Direction requesting that the Landlord submit to it documentary evidence in support of his statement.

4. The Landlord subsequently submitted satisfactory written evidence from East Dunbartonshire Council, being the local authority for the area in which the Property is situated, confirming that the Property is occupied by the Landlord as his residence and confirming that the Property is no longer listed as a privately let property in terms of landlord registration.

### **Summary of the Issues**

5. The issues to be determined by the tribunal is whether or not the work required by the RSEO is no longer necessary.

### **Decision of the tribunal and reasons for the decision**

6. The tribunal's decision was based on the written evidence from East Dunbartonshire Council. The tribunal accepted that the Property is no longer a house in respect of which the tribunal has jurisdiction and so determined, in terms of Section 25(1)(b), that the RSEO is no longer necessary. Accordingly, the tribunal proceeded to revoke the RSEO by issuing a Certificate in terms of Section 60 of the Act.

6. The decision is unanimous.

### **Review of tribunal's decision**

Any 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 the party must seek leave to appeal from the First-tier tribunal. The appeal must be made within thirty days of the date when the decision was sent to them.

# **K Moore**

Karen Moore, Chairperson

22 January 2017