

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Variation of Repairing Standard Enforcement Order
Housing (Scotland) Act 2006 Section 25**

Chamber Ref: PRHP/RT/16/0250

Title No REN 81543

Re: Property at Flat 1/1 23 George Street, Paisley, PA1 2LB ("the Property")

The Parties:-

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1BR
("the Third Party")**

Mr Ian Tennie, 63 Victoria Road, Paisley, PA2 9PT ("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined on 28 December 2016 that the **Repairing Standard Enforcement Order** relative to the property dated 11 October 2016 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 extended until 31 January 2017

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 typewritten on this and the preceding page are executed by Josephine Bonnar, Solicitor, Chairperson of the tribunal at Motherwell on 28 December 2016 before this witness:-

G. BONNAR

J. BONNAR

_____ Witness

_____ Chairperson

Gerard Bonnar _____ Name in full

58 PORT DUNDAS RD Address
GLASGOW

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 25 (1)(a)

Chamber Ref: PRHP/RT/16/0250

Re: Property at Flat 1/1 23 George Street, Paisley PA1 2LB ("the Property")

Title No: REN 81543

The Parties:-

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1BR
("the Third Party")**

Ian Tennie, 63 Victoria Road, Paisley, PA2 9PT ("the Landlord")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal), having made such enquiries as it saw fit for the purposes of determining whether the Repairing Standard Enforcement Order (RSEO) relative to the property should be varied in terms of Section 25 (1)(a) of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied

The Tribunal comprised:-

Mrs Josephine Bonnar, Chairperson

Mr Andrew Taylor, Surveyor Member

Background

1. By application received on 20 July 2016 the Third Party applied to the Private Rented Housing Panel for a determination of whether the Landlord

had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").

2. The Application stated that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard. The Third Party stated that the Landlord had failed to ensure that (i) The house is wind and watertight and in all other respects reasonably fit for human habitation; (ii) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order, and (iv) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. Specifically the Third Party stated that the left living room window and left kitchen window are defective, there are no smoke detectors in the property and that the property is without hot water and heating following the decommissioning of a communal heating system on 30 June 2016. The application confirmed that the Tenant, Carol Anne Connelly, had been notified of the Third Partys intention to make the application but that she did not want to be treated as a party to the application.
3. The Private Rented Housing Panel served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant on 22 August 2016.
4. Following service of the Notice of Referral the Third Party confirmed that they would attend the hearing. The Landlord also confirmed that he would attend the hearing.
5. The Private Rented Housing Committee inspected the property on the morning of 30 September 2016. The Landlord was present. The Third Party was not represented at the inspection.
6. Following the inspection of the property the Private Rented Housing Committee held a hearing at Wellington House, Wellington Street, Glasgow. The Landlord and Ms McIntosh from the Third Party attended and gave evidence. Ms McIntosh was accompanied by Dawn McEwan and Susannah Bradley, who were only there to observe and did not give evidence.
7. Following the hearing the Committee proceeded to make a RSEO in relation to the property. In terms of the RSEO the Landlord was required to (1) To provide a suitable heating and hot water system to fully replace the redundant district heating system, (2) To strip out the existing pipework and radiators and make good all damage to structure, finishes and decoration, (3) To repair or replace the living room and kitchen windows to ensure that they are wind and watertight and capable of being opened and closed correctly for ventilation and cleaning, and (4) To provide and install

hard wired interlinked smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6). The Landlord was required to complete the work within 8 weeks.

8. On 13 December 2016 the Landlord advised the Tribunal that his grant application for funding to install a new heating system at the property had been unsuccessful. He provided a copy of the decision letter which he had received advising him of the outcome. He further indicated that as the application had taken some weeks to be determined and had been unsuccessful he would require further time to carry out the works stipulated in the RSEO. He indicated that he could complete the work by the end of January 2017. The Third Party was asked to give their views on the request and indicated that they were neutral in relation to same.

Reason for decision

9. The Tribunal considered the Landlord's request for additional time to complete the work.
10. The Tribunal noted that the property is currently unoccupied, the tenant having vacated at the end of July 2016. The Third party advised the Tribunal that they have not inspected the property since the RSEO was issued and had no view on the request for a variation. The Tribunal also noted that the Landlord has made some effort to comply with the RSEO having applied for funding to replace the heating system.
11. The Tribunal accordingly took the view that the RSEO should be varied by extending the time for completion of the work until 31 January 2017 and proceeded to issue a Variation of the RSEO.

Decision

12. The Tribunal accordingly determined that further time should be allowed for the work to be carried out and that the RSEO should be varied by extending the time for completion of the work until 31 January 2017.
13. The decision of the Tribunal was unanimous

Right of Appeal

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J. BONNAR

Signed.....Date 28 December 2016
Josephine Bonnar, Chairperson