

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/RP/16/0292

Sasines Description: The Property known as ALL and WHOLE the dwelling house known as and forming 35 Restalrig Road, Leith, Edinburgh EH6 8BD, all as more particularly described in the Disposition by William Baldie in favour of Alexander Inglis dated 16th October 1928, and recorded in the Division of the General Register of Sasines for the County of Midlothian on 19 October 1928.

("The House")

The Parties:-

Miss Joanne Frizzel, formerly 35 Restalrig Road, Edinburgh EH6 8BD

("the Former Tenant")

G & L Properties, Mr Giovanni Battista Cortellessa and Gina Linda Cortellessa, 3A Jordan Lane, Edinburgh EH10 4RB; 79 Collington Road, Edinburgh EH10 5DF; 3 Jordan Lane, Edinburgh EH10 4RB

("the Landlords")

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having determined on 15th March 2017 that the **Repairing Standard Enforcement Order** relative to the house served on 20th December 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 by a further three months to a total of seven months.

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 15th March 2017 before this witness:-
R Cowan

D Gault

_____ witness

chairperson

DARYL GAULT name in full

C/O 16 ROYAL EXCHANGE Address

SQUARE, 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/16/0292

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("the Landlords")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having considered the Landlords' application dated 8th March 2017 to vary the Repairing Standard Enforcement Order (RSEO) relative to the House served on 20th December 2016 determines that the RSEO should be varied to allow the Landlords an additional 3 months to complete the works required by the order (giving a total of 7 months) for the following reasons:

- In the Landlords' application for variation of the RSEO, the Landlords have indicated that, as a result of their principal's illness, they need more time to complete the works required under the order. The principal's illness and ongoing treatment is something that the tribunal have previously been made aware of including at the hearing on 6th December 2016.
- As the Former Tenant has 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 Landlords further time to complete the works.

The tribunal therefore agreed to extend the period allowed under the order for the works to be 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 Cowan

Signed..

Date.....15th March 2017.....

Chairperson