

The period allowed for the completion of the work required by the order is extended until 31st May 2017

Section 25(3) of the Housing (Scotland) Act 2006 applies in this case.

Right of Appeal

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.

Signed ..
James Bauld Chairperson

14 March 2017

.....Witness

CATHERINE McQUARRIE
7 West George Street, Glasgow, G2 1BA
SOLICITOR

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

STATEMENT OF DECISION of the First-tier Tribunal for Scotland (housing and Property Chamber) under section 25.1 of the Housing (Scotland) Act 2006

Ref: PRHP/G82/137/12

Re property at: Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD, being the subjects registered in the Land Register of Scotland under Title Number DMB 5199 (“the Property”)

The Parties:-

Ms Isabel Crawford, residing at Ballymenoch Cottage, Brooks Road, Cardross, Dunbartonshire, G82 5HD (“the tenant”)

and

Mr Archibald Scott Gray, Chartered Accountant, as judicial factor to the sequestrated estate of the late Ian McMurdo Thomson per his agent, Zolfo Cooper LLP, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA (“the original landlord”)

Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD. (“the current landlord”)

Tribunal members

Mr James Bauld - Chairman
Mr Kingsley Bruce - Surveyor member

Background

1. On 27th November 2012, the Private Rented Housing Committee issued a Determination which decided that the original Landlord had failed to comply with the duties imposed by Section 14(1) of the Housing (Scotland) Act 2006 (“the 2006 Act”) on the same date, the Committee issued a repairing standard enforcement order (RSEO) in respect of the property.
2. Subsequent to the issue of that original decision the Committee have issued variations of the RSEO. The most recent variation was issued in November 2016 and that variation determined that the current landlord should be given until 31st January 2017 to arrange for the outstanding works to be completed.

3. On 1st December 2016 the functions of the Private Rented Housing Committee were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of legislation and regulations.
4. On or around 2nd February 2017 the current landlord contacted the offices of the tribunal to indicate that the works required in terms of the RSEO have still not been done but that she had now been in contact with a contractor's firm who would be able to undertake the works. She requested that a further delay was allowed in terms of the RSEO to allow the works to be done.
5. The tribunal members considered the request made by the current landlord. The tribunal took the view that there was nothing to be gained from a further re-inspection of the property and accepted the current landlord's position that the works will be organised. Accordingly, the tribunal determined that a further variation should be made to the RSEO which has been previously made and previously varied.
6. The tribunal accordingly decided that the RSEO should be varied to allow the current landlord further time to arrange for the outstanding works to be completed. The tribunal determined that the current landlord should now be given until 31st May 2017 to arrange for the outstanding works to be completed.

Decision

7. The tribunal having made such enquiries as it saw fit for the purposes of determining whether the current landlord had complied with the RSEO as varied in relation to the property concerned and taking full account of all the evidence obtained determined to exercise their powers in terms of Section 25 of the 2006 Act to vary the RSEO.
8. The Committee proceeded to make a variation to the RSEO.
9. The decision of the Committee was unanimous.

Right of Appeal

10. 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.
11. 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.

Signed
James Bauld, Chairperson

Date 14 March 2017

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CATHERINE M. QUINN
SOLICITOR

Witness

7 WEST GEORGE STREET, GLASGOW.