

# Housing and Property Chamber First-tier Tribunal for Scotland



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

Notice of Decision to Vary

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

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

Notice to Mrs Angela Reid, residing at Ballymenoch House, Cardross, G82 5HD.

The then Private Rented Housing Committee issued a Repairing Standard Enforcement Order ("RSEO") dated 27<sup>th</sup> November 2012 in respect of the Property and varied said Order by Decisions dated 25<sup>th</sup> October 2013, 4<sup>th</sup> August 2015, 21<sup>st</sup> December 2015, 7<sup>th</sup> November 2016 and 14<sup>th</sup> March 2017.

The First-tier Tribunal, now having the power to determine these matters further determined on 28<sup>th</sup> July 2017 that RSEO as varied should be further varied.

The said RSEO as varied is hereby further varied with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the work required by the order is extended until 31<sup>st</sup> December 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

SIGNED ON  
28 July 2017

AT GLASGOW

..... Witness  
DONNA JONES LEGAL SECRETARY  
7 West George Street, Glasgow, G2 1BA

# 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 on 14<sup>th</sup> March 2017 and that variation determined that the current landlord should be given until 31<sup>st</sup> May 2017 to arrange for the outstanding works to be completed.
3. On 1<sup>st</sup> 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. A further re-inspection was carried out on 1<sup>st</sup> June 2017 by the surveyor member of the Tribunal. A report was prepared and sent to the Landlord. The conclusion of the report was that there was no evidence of any significant change from the position previously noted in earlier decisions and that the property remained unoccupied and uninhabitable.

5. The Tribunal having considered the terms of the report and noting there was no response to the report from the Landlord determined that a further variation should be made to the RSEO which had 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 31<sup>st</sup> December 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 28<sup>th</sup> July 2017

.....  
DONNA JONES LEGAL SECRETARY  
7 West George Street, Glasgow, G2 1BA

Witness