

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order

Housing (Scotland) Act 2006: Section 24 (2)

Chamber Ref: FTS/HPC/RP/23/3783

3 Hill Place, Ardrossan, KA22 8HX, registered in the land Register of Scotland under Title Number AYR6528 ("the Property")

The Parties:-

Mrs Nichola Milligan, 3 Hill Place, Ardrossan, KA22 8HX ("the Tenant" and "the Applicant")

Mr Anthony Morrow, 11 Brisbane Street, Largs, North Ayrshire, KA30 8QW ("the Landlord" and "the Respondent")

Tribunal Members:

Martin McAllister, Solicitor (Legal Member) and Sara Hesp, Chartered Surveyor (Ordinary Member) ("the tribunal")

NOTICE TO

Mr Anthony Morrow

Whereas in terms of its decision dated 12 February 2024, the First-tier Tribunal for Scotland (Housing and Property Chamber) determined that the Landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006, the tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The Landlord is required to

1.1 Investigate and remedy the damp evident to the inside front elevation of the Property

1.2 Make any repairs to the décor necessitated by the work to remedy the damp.

The tribunal determined that the RSEO required to be complied with by 15 May 2024.

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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents typewritten on this and the preceding page are executed by Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland, at Kilwinning on 14 February 2024 before Margaret Henning