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

Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/23/3949

Title no: ANG39428

49 Meadowside, Dundee DD1 1EQ ("The Property")

The Parties:-

Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA ("the Third Party Applicant")

Miss Moonstarlyn Enweremadu, 49 Meadowside, Dundee DD1 1EQ ("the Tenant")

Mr Sean Lewis, SGL Investment Limited, Registered Office, Top Floor, India Buildings, 86 Bell Street, Dundee DD1 1HN ("the Landlord")

Tribunal Members: Richard Mill (Legal Member) and Donald Wooley (Ordinary Member)

NOTICE to MR SEAN LEWIS, SGL Investment Limited, Registered Office, Top Floor, India Buildings, 86 Bell Street, Dundee DD1 1HN ("the Landlord")

Whereas in terms of their decision of even date the Tribunal determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the Landlord has failed to ensure that:-

- the house is wind and watertight and in all other respects reasonably fit for human habitation.
- the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order.
- 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.
- the house meets the tolerable standard.

The Tribunal now requires the Landlord to carry out such works as are necessary for the purposes of ensuring that the property concerned meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Tribunal requires the Landlord:-

1. To provide a copy of a satisfactory Gas Safety Certificate from a registered Gas Safe engineer for the property.

2. To instruct a suitably qualified contractor to make investigations and carry out works required to ensure that the property is wind and watertight and, in particular, to repair or replace all roof materials, fixtures and fittings as necessary and to make the roof watertight and to ensure that there is no likelihood of water ingress to the property. The work undertaken, together with a report from the relevant contractor, requires to be evidenced in the Tribunal.

3. To make good the internal condition and decoration of the property damaged by water ingress, to include repairing or replacing all necessary ceilings, walls and floor coverings and to, thereafter, redecorate to ensure that there is no water staining.

4. To repair or renew the defective electrical ventilator in the bathroom and remove and treat all areas of mould (and any fungi) on all surfaces and finishes, including all carpets and other furnishings.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of 6 weeks and that any redecoration required, as a consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the Tribunal.

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.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 5 March 2024 before this witness:-

CATHY MCWAUGHT Name