

# Housing and Property Chamber First-tier Tribunal for Scotland



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

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

**Re: Flat 2/2, 528 Victoria Road, Glasgow, G42 8BG (“the House”)**

**Title number: GLA 148038**

**Chamber Ref: FTS/HPC/RT/23/2294**

**Glasgow City Council – Neighbourhood, Regeneration & Sustainability Service,  
231 George Street, Glasgow, G1 1RX (“Third Party Applicant”)**

**Ms Molly McEwen, Mr Euan Gibb, residing at the House (“the Tenant”)**

**Mr Paul McGunnigle, Ms Lesley Stewart, 250 Wond Chuk Wan Village, Sai  
Kung, Hong Kong (“the Landlord”)**

**Tribunal Members:**

**Nicola Weir (Legal Member) and Lorraine Charles (Ordinary Member)**

Whereas in terms of their decision dated 8 April 2024, The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘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 meets the repairing standard with reference to the following provisions of Section 13 of the Act, as amended:-

- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation;
- (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;
- (c) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order; and

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 to:-

1. Repair or as necessary replace all the single glazed windows within the House to ensure that they can be opened to provide adequate ventilation, closed properly, are in a reasonable state of repair, in proper working order and that the House is wind and watertight and in all other respects reasonably fit for human habitation; and to make good the surrounding decoration.
2. Instruct a structural engineer or other suitably qualified contractor to investigate the cause(s) and full extent of the cracking to the hall and kitchen walls/cornice/ceilings and to report on their findings and any recommended remedial action required; submit their report to the Tribunal for further consideration as soon as available; and thereafter to carry out all works as required by the Tribunal to rectify any defects and make good any resultant decoration to ensure that the House is in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.
3. Instruct a damp specialist or other suitably qualified contractor to investigate the cause(s) and full extent of the mould and any damp in the bathroom and to report on their findings and any recommended remedial action required; submit their report to the Tribunal for further consideration as soon as available; and thereafter to carry out all works as required by the Tribunal to rectify any defects and make good any resultant decoration to ensure that the House is in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.
4. Instruct a suitably qualified contractor to investigate the cause(s) and full extent of the damaged areas of the original timber flooring throughout the House and, in particular, in the hall, rear bedroom and living room, where the wood is splintering/has splintered and lifted and to report on their findings and any recommended remedial action required; submit their report to the Tribunal for further consideration as soon as available; and thereafter to carry out all works as required by the Tribunal to rectify any defects and make good the floor surfaces to ensure that the House is in a reasonable state of repair and in all other respects reasonably fit for human habitation.

The Tribunal order that the works specified in this Order must be carried out and completed within a period of **8 weeks** from the date of issue of this Order.

**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.**

In terms of Section 63 of the Act, 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 Nicola Weir, Legal Member of the Tribunal, at Glasgow on 8 April 2024 in the presence of the undernoted witness:-

F Weir

N Weir

witness

Legal Member

\_name in full

Address