

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

Case Reference FTS/HPC/RP/23/3326`

Property at 25 Douglas Crescent, Hamilton ML3 7SQ ("the Property"), being the subjects registered in the Land Register of Scotland under Title Number LAN158629.

The Parties: -

Miss Ann Brannan, residing at 25 Douglas Crescent, Hamilton ML3 7SQ ("The Tenant"),

And

Mr Michael Hyrons, residing at 1 Clydesdale Place Hamilton, ML3 7TE and Ms Marie Hyrons, residing at 39 Sunnyside Street, Larkhall ML3 1DG ("The Landlords")

Whereas in terms of their decision dated 5th 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 Landlords have failed to ensure compliance with section 13(1) of the Act, the Tribunal now requires the Landlords to carry out such works as are 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.

The Tribunal requires the landlords to: -

- a. Repair or replace the extractor fan in the bathroom of the Property so that it is in a reasonable state of repair and in proper working order.
- b. Repair or replace the flooring on the landing immediately outside the bathroom door of the Property so that it is in a reasonable state of repair.
- c. Locate the CO2 detector in the front bedroom of the Property so that it is fully functioning and meets current regulatory standards.
- d. Repair those sections of the roof timber sarking and roof membrane within the loft of the Property which have been damaged due to water ingress, so that the roof of the Property is in a reasonable state of repair.

The Tribunal order that the works specified in this Order must be carried out and completed by 10th 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.

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 type written on are executed by Andrew Cowan, legal member of the Tribunal, at Glasgow on 11th April 2024 in the presence of the undernoted witness:-
A Cowan

L Campbell

_____ witness _____ Legal Member

Laura Campbell name in full