

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Notice of Decision to Vary a Repairing Standard Enforcement Order (RSEO):  
Housing (Scotland) Act 2006 Section 25**

**Chamber Ref: FTS/HPC/RT/18/017**

**Sasines Description:** That flatted dwellinghouse known as and forming the southeast most house on the third floor (3/1, formerly 3/2) above the ground floor of the tenement known as and forming 2 Bright Street, Lochee, Dundee and being the subjects more particularly described in and disposed by Disposition by Hacienda Properties Limited in favour of Jemima Miller Hughes recorded in the Division of the General Register of Sasines for the County of Angus on 12 October 1978.

**3/1(L), 2 Bright Street, Dundee, DD2 3DE ("the Property")**

**The Parties:-**

**Mr Dean Robertson, formerly residing at 3/1, 2 Bright Street, Dundee ("the Tenant")**

**Dundee City Council, City Chambers, Dundee (represented by Mr Stuart Cuthill ("the Applicants"))**

**Miriam Edith Lynch, residing at 9 Byron Street, Dundee ("the Landlord")**

Whereas in terms of their decision dated 28 July 2020 the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the **Repairing Standard Enforcement Order** ("RSEO") relative to the Property dated 21 January 2019 is hereby varied with effect from the date of service of this notice in the following respect:-

- (a) The period allowed for completion of the works required by the RSEO is extended until 31 December 2020;

Sub-section 25(3) of the Housing (Scotland) Act 2006 does not apply in this case;

**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 this and the preceding page are executed by Ewan K Miller, legal member of the Tribunal, at Dundee on 28 July 2020 in the presence of the undernoted witness:-

**K Campbell**

witness

**E Miller**

Legal Member

Kim Campbell

Whitehall House

33 Yeaman Shore

Dundee, DD1 4BJ