

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of Repairing Standard Enforcement Order (“RSEO”): Housing
(Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/16/0232

Re: 1 Leafield Road, Dumfries, DG1 being the subjects described in
Disposition and Assignment by Thomas Aitken Halliday and another recorded
in the General Register of Sasines applicable to the County of Dumfries on
seventh day of October Eighteen Hundred and Ninety Nine and now registered
in the Land Register of Scotland under Title Number DMF31252 (‘the Property’)

The Parties:-

Mr Francis McFaul and Mrs Jacqueline McFaul, sometime residing at the
Property

(“The Tenants”)

Mr Johannes Maxwell Gerhard Alder, sometime residing at 3 Kilmarnock
Road, Symington, KA1 5PT, and now residing at 65 King Street, Dumfries, DG1
2JW.

(“The Landlord”)

**Tribunal Members: Martin J. McAllister, solicitor, legal member and Kingsley
Bruce, surveyor, ordinary member.**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 11th February 2022 that the repairing standard enforcement order (**RSEO**) relative to the House served on 6th October 2016 and subsequently varied should be further varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the work required by the order is further extended to 30 April 2024.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does 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 the house at any time during which an 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 Martin Joseph McAllister, solicitor, legal member of the Tribunal, at Saltcoats on 9 November 2023 in presence of Stephen Cavani.

Martin Joseph McAllister