

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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/23/2023**

**Title no: ABN31499**

**22 St Mary Street, Peterhead AB42 1TB  
("The House")**

**The Parties:-**

**Aberdeenshire Council, Infrastructure Services (Housing), Gordon house,  
Blackhall Road, Inverurie, Aberdeenshire AB51 3WA ("the Third Party  
Applicant")**

**Mr Kenneth Alexander & Mrs Beverley Alexander, 22 St Mary Street, Peterhead  
AB42 1TB  
("the Tenant")**

**Mrs Margaret Laurie & Mr Laurie Tinto, 70 Alexander Avenue, Kingseat,  
Newmacher, Aberdeen AB21 0AS  
("the Landlords")**

Whereas in terms of their decision dated 6 November 2023, 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:-

- (a) 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; and
- (b) The house meets the tolerable standard.

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:-

- (a) To provide a current Gas Safety Certificate produced by a suitably qualified Gas Safe registered engineer.
- (b) To instruct a Gas Safe registered engineer to inspect the boiler and to carry out such work as is necessary to ensure that the boiler is safe, in a reasonable state of repair and in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed within the period six weeks from the date of service of this Notice.

**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 Graham Harding, legal member of the Tribunal, at Aberdeen on 7 November 2023 in the presence of the undernoted witness:-

witness

RONALD LEE name in full

GLASGOW TRIBUNALS Address

LEWINE, YORK STREET,

GLASGOW