

# **Housing and Property Chamber**

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

---



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

**Repairing Standard Enforcement Order**

**Housing (Scotland) Act 2006: Section 24 (2)**

**Chamber Ref: FTS/HPC/RP/23/1552**

**47 Carron Place, Irvine, North Ayrshire, KA12 9NF, registered in the land Register of Scotland under Title Number AYR45180 ("the Property")**

**The Parties:-**

**Ms Kelly Clarke, 47 Carron Place, Irvine, North Ayrshire, KA12 9NF ("the Tenant" and "the Applicant")**

**Mr Christopher Boyce and Mr Alex Bruce, 12 Hillcrest Drive, Stevenston, KA20 3AW ("the Landlord" and "the Respondent")**

**Tribunal Members:**

**M. McAllister, Solicitor (Legal Member) and D Wooley, Chartered Surveyor (Ordinary Member) ("the tribunal")**

### **NOTICE TO**

**Mr Christopher Boyce and Mr Alex Bruce**

Whereas in terms of their decision dated 17 October 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 tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The tribunal determined to make a repairing standard enforcement order ("RSEO") in the following terms:

- 1. Investigate and repair water ingress at the valley gutter on the roof ensuring that it is in a wind and watertight condition. Any reports, quotations or receipts in respect of any repairs should, if available, be forwarded to the Tribunal for consideration.**
- 2. Investigate and repair the defective locking mechanism at the base of the rear door ensuring that it is in a reasonable state of repair and in proper working order.**
- 3. Investigate and complete all necessary repairs around the base of the timber front door, ensuring that it is in a reasonable state of repair and in a wind and in a watertight condition.**

**The tribunal determined that the RSEO required to be complied with by 7 December 2023.**

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.

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 M: J McAllister, legal member of the First-tier Tribunal for Scotland, at Kilwinning on 17 October 2023 before M \_\_\_\_\_ Henning,