

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/23/1551

21 Redstone Avenue, Kilwinning, Ayrshire, KA13 7JQ, Registered in the Land Register of Scotland under Title Number AYR53905 (“the Property”)

The Parties:-

Ms Caitlyn Greenwood, 21 Redstone Avenue, Kilwinning, Ayrshire, KA13 7JQ (“the Tenant” and “the Applicant”)

Mr Keith Marwick and Ms Isabel Marwick, 67 Dalry Road, Kilwinning, KA13 7HN (“the Landlord” and “the Respondent”)

Tribunal Members:

Martin McAllister, Solicitor (Legal Member) and Donald Wooley, Chartered Surveyor (Ordinary Member) (“the tribunal”)

NOTICE TO

Mr Keith Marwick and Ms Isabel Marwick

Whereas in terms of their decision dated 4 September 2023 and 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:

The Landlord is to resolve issues of dampness and condensation in the Property identified by the tribunal during its inspection on 24 August 2023, supported by the subsequent report by Rowallen Specialist Surveys dated 5 October 2023, by whatever means are appropriate and effective to ensure that the Property is reasonably fit for human habitation.

The Landlord is required to comply with the RSEO by 8 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 Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland, on 17 October 2023 before

M Henning

M McAllister

M Henning