

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Reference number: FTS/HPC/RT/23/1945

**Re: Property at Elim House, 41 Ugie Street, Peterhead, AB42 1NX ("the
Property")**

Title Number: ABN73500

The Parties:

**Aberdeenshire Council, Infrastructure Services (Housing), Gordon House,
Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA
("The applicant")**

**Mrs Margaret Tinto and Mr Laurie Tinto, residing together at 70 Alexander
Avenue, Kingseat, Newmachar, Aberdeen, AB21 0AS ("the Landlord")**

Interested Party:

**Angela Thomson, residing at Elim House, 41 Ugie Street, Peterhead, AB42 1NX
("the Tenant")**

Tribunal Members:

Paul Doyle (Legal Member)

Angus Anderson (Surveyor Member)

Whereas in terms of their decision dated 7 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:-

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 in terms of Section 13(1)(c) of the 2006 Act;

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 to

Instruct a suitably qualified Gas Safe registered engineer to inspect and carry out all works necessary to leave the gas central heating boiler and gas hob in good working order. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with an up-to-date and satisfactory Gas Safety Record from a suitably qualified and Gas Safe registered heating engineer on the safety of the gas central heating system and all other gas appliances in the property.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 42 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 type written on this and the preceding page are executed by Paul Doyle, legal member of the tribunal, 20 York St, Glasgow G2 8GT, at Edinburgh on 7 November 2023 before Emma Doyle, 20 York St, Glasgow G2 8GT,

E Doyle

P Doyle

witness

chairperson