

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/23/0930

1 The Square, Crarae, Furnace, Argyll, PA32 8YA, part of the estate of Cumladden, referred to in the Disposition to George Ilay Campbell of Succoth recorded in the Division of the General Register of Sasines for the County of Argyll on 19th January 1927 (“the Property”)

The Parties:-

Miss Anita Skea, 1 The Square, Crarae, Furnace, Argyll, PA32 8YA (“the Tenant” and “the Applicant”)

Ms Cecilia Macgregor, Crarae Lodge, Crarae, Furnace, Argyll, PA32 8YA as representative of Lady Margaret Minette Rohais (deceased), Crarae Cottage, Crarae, Furnace, Argyll, PA32 8YA (“the Landlord” and “the Respondent”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Nick Allan, Chartered Surveyor (Ordinary Member)

NOTICE TO

Ms Cecilia Macgregor, representative of Lady Margaret Minette Rohais (deceased)

Whereas in terms of its decisions dated 2 August 2023 and 16 January 2024, 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:

- 1.1 Produce to the Tribunal a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT, or other suitable accredited registered scheme, who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category. PAT testing documentation for any portable appliances supplied by the Landlord should also be produced which has been prepared by a similarly qualified and accredited electrician.**
- 1.2 Install a functional interconnected smoke detector in the living room which meets Scottish Government guidelines.**
- 1.3 Repair or renew the windows in the Property to ensure that they are in good and efficient working order and free from defect.**
- 1.4 Repair or renew the rainwater goods at the Property to ensure that they are effective in collecting rainwater and distributing it to the Property’s drainage system.**
- 1.5 Eradicate any dampness within the Property.**
- 1.6 Repair or renew the front door and surrounding frame to ensure that there are no draughts.**
- 1.7 Carry out works to ensure that the doors and windows are draught free.**
- 1.8 Repair or renew the rotten window sill to the rear of the Property.**
- 1.9 Replace cracked and missing slates.**

The tribunal determined that the works are to be completed by 15 April 2024.

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, at Kilwinning on 16 January 2024 before Margaret Henning,

M Henning

M J McAllister