

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**

Chamber Ref: FTS/HPC/RP/23/2910

Title no: ANG38862

**100 Hawick Drive, Dundee DD4 0TD
("The Property")**

The Parties:-

**Ms Amy Knowles, 100 Hawick Drive, Dundee DD4 0TD
("the Tenant")**

**Mr Ben Holohan, Lochend Farm, Coylton, Ayr, South Ayrshire KA6 6JS
("the Landlord")**

Whereas in terms of their decision dated 13 February 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 Act") and in particular that the Landlord has failed to ensure that:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

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 repair or replace the kitchen units and worktops, plinths and cornicing to ensure they are in a reasonable state of repair and proper working order and free from hazards.

- (b) To inspect the floor inside the back door of the property and to carry out such works are required to ensure that the floor is structurally sound and free from protruding nail and screwheads.
- (c) To seal the hole in the wall below the boiler in the kitchen to ensure that the house is wind and watertight.

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

A landlord or tenant 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 G Harding, legal member of the Tribunal, at Perth on 13 February 2024 in the presence of the undernoted witness:

Julia N. Harding witness

JULIA NICOLE HARDING name in full

 Legal Member