

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)**

**Reference number: FTS/HPC/RP/23/3742**

**Re: Property at Flat 22 Taypark, 30 Dundee Road, Broughty Ferry, Dundee DD5 1LX (registered under title number ANG82535) ("Property")**

**The Parties:**

**Carolann Curran Flat 22 Taypark, 30 Dundee Road, Broughty Ferry, Dundee DD5 1LX ("Tenant")**

**Douglas McLennan and Linda McLennan, 44 Hamilton Street, Broughty Ferry, Dundee ("Landlord")**

**Rent Locally, Lindsay Court, Gemini Crescent, Dundee DD2 1SW ("Landlord's Representative")**

**Tribunal Members :**

**J: Devine (Legal Member); D: Godfrey (Ordinary Member)**

**NOTICE TO: Douglas McLennan and Linda McLennan ("the Landlord")**

**Whereas in terms of its decision dated 23 February 2024, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard.**

**The Tribunal now requires the Landlord to carry out such works as are necessary for the purpose of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.**

**In particular the Tribunal requires the Landlord to :**

- 1. Seal up the vent in the southern exterior kitchen wall and make good.**
- 2. Repair the loose and uneven flooring beneath the linoleum in the kitchen.**

3. **Repair or replace the timber housing around the pipework in the bathroom.**
4. **Repair or replace the gas fire in the living room and ensure it is connected to the gas supply and is in proper working order.**
5. **Repair the opening mechanism of the window in the living room and ensure it is in proper working order.**

**The Tribunal orders that the works specified in this order must be carried out and completed within the period of 6 weeks from the date of service of this notice.**

**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.**

**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 Joan Devine, Legal Member of the Tribunal at Glasgow on 23 February 2024 in the presence of this witness**

# J Devine