

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/23/3925

Property at 3A Strathmartine Road, Dundee, DD3 7RL ("the Property")

Land Register Title Number: ANG41642

The Parties:-

**Miss Beth Jowett, 3A Strathmartine Road, Dundee, DD3 7RL
("the Tenant")**

**Mr Ihsan Haq, 25 Lintrathen Gardens, Dundee, DD3 8EJ
("the Landlord")**

Whereas in terms of their decision dated 28 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 fit for human habitation.
- (b) The structure and exterior of the house (including drains, gutters and external pipes) 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 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.

In particular the tribunal requires the Landlord:-

1. To instruct a suitably qualified timber and damp specialist to investigate and report on the extent and cause of the damp within the rear bedroom and the rear utility area of the kitchen (including the cupboard housing the boiler) of the Property and produce a written report to the Tribunal for further consideration and further Decision. The said timber and damp specialist should be provided with a copy of the Tribunal's Decision dated 28 February 2024 for reference.
2. Instruct a suitably qualified building contractor to inspect the damp within within the rear bedroom and the rear utility area of the kitchen (including the cupboard housing the boiler) of the property and the exterior of the building of which the Property forms part

and thereafter carry out such repairs as are necessary to the outer walls, windows and drain pipes to ensure the property is wind and watertight and its structure and exterior are in a reasonable state or repair. The building contractor should be provided with a copy of the Tribunal's Decision dated 28 February 2024 for reference.

3. On completion of the works the Landlord is required to provide to the Tribunal written evidence from the contractors employed of the works done and confirmation that the source of the dampness has been eradicated.

The tribunal orders that the works specified in paragraph (a) of this Order must be carried out and the specialist report referred to therein delivered to the tribunal within the period of 4 weeks from the date of service of this Notice.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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 type written on this and the two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 26 March 2024 before this witness:-