

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/23/3753

Re: Property at 5/102 Elfin Square, Edinburgh EH11 3BF registered in the Registers of Scotland under Title Number MID214715("the Property")

The Parties:

Ms. Emma Mulgrew and Mr. Callum Miller both residing at the Property ("the Tenants")

And

Spindlehawk limited, having a place of business at Block D, Universal Square, Manchester, M12 6JH ("the Landlord")

Notice to Landlord

Spindlehawk Limited, having a place of business at Block D, Universal Square, Manchester, M12 6JH

Whereas in terms of its decision dated 22 March 2024, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13(1)(a) and 13(1) (b) of the Act, the First-tier Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 20 June 2024 carry out all of the following:-

1. Carry out all works necessary to bring the structure and exterior of the house (including drains, gutters and external pipes) into a reasonable state of repair and in proper working order and so ensure that the Property is dampness free, wind and watertight and in all other aspects reasonably fit for human habitation
2. Carry out all incidental and decorative works occasioned by the works necessary to comply with this Order to leave the Property in the condition required by the Repairing Standard.

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 3, April 2024 before this witness, Norman William Moore, solicitor, 11, Muirfield Business Centre, South Muirhead Road, Cumbernauld, G67 1AX

K Moore