

# 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 (RSEO): Housing (Scotland) Act 2006  
Section 24**

**Chamber Ref: FTS/HPC/RT/24/0177**

**Title No: DMB13712**

**112G Beechwood Drive, Bonhill G83 9LY ("The Property")**

**The Parties:-**

**West Dunbartonshire Council, Environmental Health, Council Offices,  
16 Church Street, Dumbarton G82 1QQ ("the Third Party Applicant")**

**Mr Danut Colceriu, 112G Beechwood Drive, Bonhill G83 9LY ("the Tenant")**

**Mr David Aitken, 19B Conic Way, Drymen G63 0DT ("the Landlord")**

**Tribunal Members: Richard Mill (Legal Member) and Andrew McFarlane  
(Surveyor Member)**

**NOTICE to Mr DAVID AITKEN, 19B Conic Way, Drymen G63 0DT ("the  
Landlord")**

Whereas in terms of its decision of even date the tribunal determined that the landlord has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlord has failed to ensure that:-

- the house is wind and watertight and in all other respects reasonably fit for human habitation.
- the installations in the house for the supply of water, gas and electricity and for sanitation, space heating or heating water are in a reasonable state of repair and in proper working order.

- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The tribunal now requires the landlord to carry out such works as are necessary for the purposes of ensuring that the property 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 now requires the landlord:-**

1. To produce a current satisfactory Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no Category C1 or C2 items of disrepair.
2. To install smoke and heat detection in accordance with existing Scottish Government statutory guidelines.
3. To investigate and remedy the source of water ingress from the common roof to ensure that the property is wind and watertight.
4. To replaster and redecorate the ceiling in the hallway of the property.

The tribunal orders that the works specified in this Order must be carried out and completed within a period of 6 weeks, with the specified reports to be produced to the tribunal for consideration, and that any redecoration required, as a consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the tribunal.

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.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 2 May 2024 before this witness:-  
R Mill

C McNaught

Legal Member

Witness

Name

Address