

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006**

**Chamber Reference number: FTS/HPC/RT/23/4512**

**Re: Property at Flat 2, 43 Erskine Street, Dundee DD4 6RJ (“the Property”)**

**Title No: ANG15600**

**The Parties:**

**Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA (“the Third-Party Applicants”)**

**Mr Garry Mortimer, 11 Victoria Street, Newport on Tay, Fife DD6 8DJ (“the Landlord”)**

**Tribunal Members: George Clark, Legal Member  
Greig Adams, Ordinary (Surveyor) Member**

Whereas in terms of their decision dated 15 April 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”), 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 to:

1. Remove the shower enclosure, shower tray and all wall panels within the Shower Room, remove the shower room floor covering and floorboards within the shower room beyond all areas of timber decay and/or elevated moisture readings, inspect and test all timber joists to areas of floor removed and carry out any joist repairs/replacement required to ensure that the joists remain structurally capable of accepting loads imposed and also free from any timber decay. On removal of wall panels inspect and make good the wall substrate as required to leave free from any decay, damage or dampness before installing new floorboards/chipboard flooring, re-installing the shower tray, installing new wall panels, re-installing the shower enclosure and providing a new floor covering. Allow for all plumbing works to complete and for sealing

the shower enclosure, shower tray, wall panels etc and any decoration works to complete.

2. Appoint a Chartered Building Surveyor or Property Care Association registered Consultant or Contractor to inspect (i) the dampness affecting the Rear Bedroom reveal and (ii) the condition of the cement rendered window banding around the rear window, perimeter sealant and condition of the external window timbers/components; with (iii) recommendations to be provided within the report on remedial works to rectify the dampness. A copy of the report is to be provided to the Tribunal for further consideration.
3. Appoint a Chartered Building Surveyor or Property Care Association registered Consultant or Contractor to carry out a disruptive inspection within the Living Room including taking back the carpet floor covering at the radiator position to expose the underlying timber floorboards, uplifting a section of floorboards within the area presently damp to allow a sub-floor void inspection including of pipework contained within this void and also test radiator and pipework to establish cause of wet area on carpet floor covering. A copy of the report is to be provided to the Tribunal for further consideration.
4. Carry out such repairs as are necessary to ensure the entrance door and locks are secure and in proper working order.
5. Appoint a suitably qualified electrician to carry out such works as a necessary to ensure the power point in the hall and the light fitting in the toilet are in proper working order and thereafter to Exhibit to the Tribunal a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the property, containing no Category C1 or C2 items of disrepair.
6. To thoroughly dry out the living room carpet, restoring it to a reasonable condition, or to replace it.
7. To restore the cold water tap in the toilet to proper working order, or to replace it.
8. To properly secure the sink base unit and worktop to the kitchen wall.

The Tribunal orders that the works required by this Order must be carried out and the Report and Electrical Condition Installation Report exhibited within three months of the date of service of this Order on the Landlord.

## **Right of Appeal**

**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, typewritten on this and the previous page, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 15 April 2024 before this witness, Valerie Elizabeth Jane Clark, | Midlothian.