

Housing and Property Chamber
First-tier Tribunal for Scotland



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

REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006, Section 24(2)

Chamber Ref: FTS/HPC/RP/24/0102

8/1 Grove Street, Edinburgh, EH3 8BB (Title number MID236791) (“the Property”)

The Parties:-

Mr Steinar Loekling and Dr Michelle May, 8/1 Grove Street, Edinburgh, EH3 8BB (“the Applicants”)

Mairi Ann McKaig, 35 Hamilton Avenue, Glasgow, G41 4JE (“the Respondent”)

Sandstone, 14 Coates Crescent, Edinburgh, EH3 7AF (“the Respondent’s Representative”)

**NOTICE TO MAIRI ANN MCKAIG
(the RESPONDENT / LANDLORD)**

WHEREAS in terms of its decision dated 8 May 2024 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 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in the following respects:

“(a) the house is wind and watertight and in all other respects reasonably 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, and

(h) the house meets the tolerable standard.

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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. Repair or replace as necessary the external rainwater goods and downpipes to leave them in a reasonable state of repair and in proper working order without any leakage, including removal of all flashband (temporary waterproof tape) and repair leaking areas using suitable materials and refixing the downpipe at gutter connection, to make sure the Property is watertight and the structure and exterior of the house are in a reasonable state of repair and in proper working order and that the Property meets the tolerable standard.
2. Carry out plaster repairs, dry out walls, carry out any salt neutralisation required, and redecorate walls and skirting boards as required, to ensure the house is watertight and in all other respects reasonably fit for human habitation and meets the tolerable standard; and eradicate all evidence of internal dampness within both bedrooms.

The tribunal orders that the works specified in this Order must be carried out and completed by 8 June 2024.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 an 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 Ms. Susanne L M Tanner, K.C., Legal Member and chair of the tribunal

S Tanner

Legal Member / Chair

signed on 10 May 2024 (date) at Edinburgh

before this witness:-

J Hilton

Witness

Josephine Mary Hilton name in full