

# 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/RP/23/3870**

**Title number: LAN 40342**

**29 Bankhead Place, Airdrie, ML6 8JW (“the House”)**

**The Parties:**

**Miss Chloe Wynne, formerly 29 Bankhead Place, Airdrie, ML6 8JW (“the Tenant”)**

**Gracie Property LTD, 118 Motherwell Street, Airdrie, ML6 7EJ (“the Landlord”)**

**Tribunal Members: Mrs Nicola Weir, Legal Member and Ms Carol Jones, Ordinary Member**

Whereas in terms of their decision dated 10 July 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 the House meets the repairing standard with reference to the following provisions of Section 13(1) of the Act, as amended:-

- (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
- (d) the fixtures, fittings and appliances provided by the landlord under the tenancy 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 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:-

- (1) To repair, or as necessary replace all missing or damaged roof tiles to ensure that the house is wind and watertight and in all other respects for human habitation; and
- (2) To repair, reinstate or as necessary replace, all kitchen base and wall units, including handles, hinges and doors to ensure that these fixtures and fittings are in a reasonable state of repair and proper working order.

The Tribunal orders that the works specified in this Order must be carried out and completed within 6 weeks of the notification of this Order.

**A landlord, tenant or third party applicant 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.**

In terms of Section 63 of the Act, 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 typewritten on this and the preceding page are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 10 July 2024 in the presence of the undernoted witness:-

Finlay T Weir

Nicola Weir

witness

Legal Member

FINLAY T WEIR name in full