

Housing and Property Chamber

First-tier Tribunal for Scotland



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/23/4600

Title no: PTH5013

**11D Galvelmore Street, Crieff, Perthshire PH7 4BY
("The Property")**

The Parties:-

**Perth and Kinross Council, Private Sector Access Team, Pullar House, 35
Kinnoull Street, Perth PH1 5GD (" the Third Party Applicant")**

Mrs Ilona Tymoszhenko, 11D Galvelmore Street, Crieff PH7 4BY ("the Tenant")

**1M12 Limited, represented by Mr Jamie MacPherson, 84 Angusfield Avenue,
Aberdeen AB15 6AT ("the Landlord")**

Whereas in terms of their decision dated 12 June 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:-

- (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;
- (c) The house has satisfactory provision for detecting fires and giving warning in the event of fire or suspected fire; and
- (d) The house met 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 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:-

- (i) To remove the vegetation from walls and stacks and thereafter re-point the masonry of the property so as to ensure that the walls and stacks are in a reasonable state of repair and in proper working order.
- (ii) To replace or repair, re-align and redecorate the rainwater goods so as to ensure that they are in a reasonable state of repair and in proper working order.
- (iii) To carry out such works to reslate the roof as are detailed in the estimate of the 31st July 2023 by Pankhurst Decorators Ltd so as to ensure that the structure and exterior of the property are in a reasonable state of repair and in proper working order and also to ensure that the property is wind and water tight and in all other respects reasonably fit for human habitation.
- (iv) To carry out such works to the interior as are recommended in the report of the 9th October 2023 by Wise Property Care in order to eradicate the dampness in the property.
- (v) To replace or repair and redecorate the skylight window above the landing so as to ensure that it is in a reasonable state of repair and in proper working order.
- (vi) To provide draughtproofing to the front door and the skirting boards in the kitchen to ensure that the interior is draught free.
- (vii) Any damage caused by carrying out these works should be made good.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of two months from the date of service of this Notice.

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 type written on this and the two preceding pages are executed by Graham Harding, legal member of the Tribunal, at Perth on 14 June 2024 in the presence of the undernoted witness:-

A Thomson

G Harding

witness

Legal Member

_name in full