

# Housing and Property Chamber First-tier Tribunal for Scotland



## **Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/RP/24/0212**

**43 Mason Avenue, New Cumnock, Ka18 4AY being the subjects registered in the Land Register of Scotland under Title Number AYR28256 (“the Property”)**

**The Parties:-**

**Shibhon McAuliffe, residing at 43 Mason Avenue, New Cumnock, Ka18 4AY (“The Tenant”)**

**Red Stag Property Group Limited, suite 5 56-58 Stirling Street, Airdrie, ML6 0AS (“The Landlord”)**

**McGoogans (Coatbridge) Limited, suite 5 56-58 Stirling Street, Airdrie, ML6 0AS (‘The Landlord’s Representative’)**

**Tribunal Members:**

**Jacqui Taylor (Chairperson) and Kingsley Bruce (Ordinary Member)**

### **NOTICE TO Red Stag Property Group Limited**

Whereas in terms of their decision dated 19th June 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 the Landlord has failed to ensure that: the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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:**

- (One) Repair or renew the defective guttering and downpipes.**
- (Two) Repair or renew the defective roof coverings.**
- (Three) Repair or renew defective render finishes.**

The Tribunal orders that these works must be carried out and completed by **31<sup>st</sup> July 2024**.

**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.**

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 and landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 subscribed at Glasgow on 20<sup>th</sup> June 2024 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Carol Jones, Housing and Property Chamber, York Street, Glasgow.

J. Taylor.....

Chairperson

.....C Jones.....witness