

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/RP/23/3535

Title Number: AYR 1845

95 Chapelhill Mount, Ardrossan, KA22 7LZ (“the Property”)

**Angus MacKenzie, formerly residing at 95 Chapelhill Mount, Ardrossan, KA22
7LZ (“the former Tenant”)**

**Its Property Limited, 64 High Street, Princes Risborough, HP27 0AX (“the
Landlord”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Donald Wooley (Ordinary Member)

Whereas in terms of their decision dated 21 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 2006 Act”) and in particular, that the Landlord has failed to ensure that: -

- (i) The house is wind and watertight and in all other respects reasonably fit for human habitation,
- (ii) 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
- (iii) 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 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: -

1. To carry out all necessary repairs to the porch flat roof, flashing and all rainwater goods at the property to ensure that they free from vegetation, in a reasonable state of repair and proper working order,
2. To carry out all necessary repairs to ensure that the property is free from water ingress, damp and mould,
3. To repair or replace the rotten roof timber and plasterboard ceiling in the porch and provide the Tribunal with evidence that this has been done, such as a report or receipted invoice from the contractor who carries out the work,
4. Remove the mould from the rear bedroom window and treat the window frame with a fungicidal solution

The Tribunal order that the works specified in this Order must be carried out and completed within the period of ten weeks of 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 are executed by Josephine Bonnar, Legal Member of the Tribunal, at Motherwell on 21 July 2024 in the presence of the undernoted witness:-

Josephine Bonnar

Legal Member

_____ witness

Gerard Bonnar
1 Carlton Place, Glasgow