

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order under Section 24(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/24/0830

Re: Property at 13 Shore Street, Macduff, Aberdeenshire, AB44 1UB under Title Reference BNF5215 (“the Property”)

Parties:

Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA (“the Third Party Applicant”);

Robyn Watt, 13 Shore Street, Macduff, Aberdeenshire, AB44 1UB (“the Tenant”)

William Stewart, Greenfold Farmhouse, Bridge of Marnoch, Huntly, Moray, AB54 7UN (“the Landlord”)

Tribunal Members:

Ruth O'Hare (Legal Member) and David Godfrey (Ordinary Member)

Whereas in terms of their decision dated 22 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:-

- (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;
- (iii) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order; and

- (iv) 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 to:-

- (i) Inspect the windows in the property and carry out such works as are necessary to ensure they are wind, watertight and in proper working order;
- (ii) Inspect the structure and exterior of the property and carry out such works as are necessary to ensure the property is wind and watertight, including clearing and repairing the rain water fittings and repairing the external stonework and render;
- (iii) Inspect the drainage to the rear of the property and carry out such works as are necessary to ensure it is in proper working order and free from any blockages;
- (iv) Submit to the Tribunal a current gas safety certificate and electrical installation condition report for the property;
- (v) Install smoke, heat and carbon monoxide detectors in compliance with current statutory requirements; and
- (vi) Carry out internal decoration to the property where necessary following the completion of the above works.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of **one month** from the date of service of this Notice.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party 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 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 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 preceding page(s) are executed by Ruth O'Hare, Chairperson, c/o Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT in Aberdeen on 22 July 2024 before this witness:-
R O'Hare

P Robb

_____ witness

_____ Chairperson

PATRICK ROBB, c/o
GLASGOW TRIBUNALS
CENTRE, 20 YORK ST,
GLASGOW, G2 8GT