

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/24/2401

Title No: MID235722

32/6 Morningside Road, Edinburgh EH10 4DA ("The Property")

The Parties:-

Ms Rachael Aulich, 32/6 Morningside Road, Edinburgh EH10 4DA ("the tenant")

Mr Steven Thomson, 42 Lilyhill Terrace, Edinburgh EH8 7DU and Mr Derek Thomson, 29a Main Street, Bainsford, Falkirk FK2 7PQ ("the Landlords")

Tribunal Members: Richard Mill (Legal Member) and Greig Adams (Ordinary Member)

NOTICE to MR STEVEN THOMSON and MR DEREK THOMSON ("the Landlords")

Whereas in terms of its decision of even date the tribunal determined that the landlord has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlords have failed to evidence:-

- whether the house is wind and watertight and in all other respects reasonably fit for human habitation.

The Tribunal now requires the landlords to carry out such works as are necessary for the purposes of ensuring that the property 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 landlords to replace the two living room windows, the kitchen window and the rear bedroom window of the property.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of 8 weeks and that relevant evidence is provided to the Tribunal.

In terms of section 46 of the Tribunals (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 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.

Failure of the landlord to comply will most likely lead the Tribunal to issue a failure to comply decision and Rent Relief Order.

In witness whereof these presents type written on this and the preceding two pages are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 4 September 2024 before this witness:-

Richard Mill

Legal Member

Witness

Name

Address