

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/24/0919

Title no: ANGUS 67016

4 Henderston Cottages, Newtyle, Angus PH12 8UT (“The Property”)

The Parties:-

- **Mr Gregory Dedman, 4 Henderston Cottages, Newtyle, Angus PH12 8UT (“The Applicant and tenant”)**
- **Mr Ian McCall, Mr Andrew McCall, Mr Angus McCall, Henderston Farm, Angus PH12 8UT (“The Respondents and landlords”)**

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr David Godfrey - Ordinary Member (Surveyor)

Whereas in terms of their decision dated 16th 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 -

- 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; and
- c) 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;
- d) The House does not meet the repairing standard.

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

- a) Repair the roof covering, including but not limited to, the slate work, flashings, valley gutters and ridge to ensure that the property is wind and watertight;
- b) Repair the chimney stacks and ancillary flashings to ensure that the Property is wind and watertight;
- c) Investigate the source of dampness to the lower walls of the master (westmost) bedroom and carry out all necessary repairs to ensure that the lower walls in this area are free from dampness;
- d) Repair the window in the Living Room to ensure that it is wind and watertight; and
- e) Install a suitable surface water drainage system to ensure that the exterior of the house is in a reasonable state of repair and to prevent further damage to the property as a result of flooding. Evidence of the work as it progresses should be recorded and supplied to the tribunal when complete.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 3 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 preceding pages are executed by Gabrielle Miller, Chair and Legal Member of the Tribunal at Glasgow on 16th July 2024 in the presence of the undernoted witness:-

J Spence

G Miller

_____ witness

_____ Chairperson

JOYCE SPENCE name in full

GTC, 20 YORK ST Address

GLASGOW G2 8GT