

**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/24/1856**

**Title Number: DMB48838**

**Re: 32 Westermains Avenue, Kirkintilloch, Glasgow G66 1EH  
("the House")**

**The Parties:**

**Julie Murray, 32 Westermains Avenue, Kirkintilloch, Glasgow G66 1EH  
("the Tenant")**

**Raymond Heath, East Dunbarton CAB, 11 Alexandra Street, Kirkintilloch, G66  
1HB  
("the Tenant's Representative")**

**Brian McGeady, 59 Victoria Road, Kirkintilloch, G66 5AP ("the Landlord")**

**Tribunal Members:**

**Susan Christie (Legal Member)  
Nick Allan (Ordinary Member)**

Whereas in terms of their decision dated 4 September 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.

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 to: -

1. Carry out such repairs and any alterations to the roof of the House to remove the source of water ingress at the gable wall.
2. Carry out such repairs to the rear gutter to align the run and pitch on it.
3. To clean out the front guttering and remove any obstructions and repair it as necessary.
4. To reinstate the boundary by replacing the two wooden panels at the rear boundary fence and remove any surrounding debris.
5. Remove any loose roughcast to the exterior of the House and carry out such repairs as necessary to reinstate same.
6. Repair the covering to the pipe chase in the utility room of the House.
7. Clean the surface of the decking area outside the House to remove any potential source of slipping hazards. This work should be done once the gutter above same has been repaired.
8. Carry out finishing works to dry out, repair and restore the interior walls and ceiling of the downstairs toilet and utility room; to include restoring any finishes.

**The Tribunal order that the works specified in this Order must be carried out and completed within the period of twelve 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 type written on this and the preceding two pages are executed by Susan Christie, Legal Member of the Tribunal, at Glasgow on 4 September 2024 the presence of the undernoted witness: -

George Christie

witness

Susan Christie

Legal Member

\_name

Glasgow