

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/RT/24/1772

Title Description: 37 Main Road, Collin, Dumfries, DG1 4JL being part of the subjects described in the Disposition by James Francis Mundell Mundell in favour of James Frederick Stodart Mundell recorded in the Division of the General Register of Sasines for the County of Dumfries on 18 December 1995.

**Re: 37 Main Road, Collin, Dumfries, DG1 4JL
("the House")**

The Parties:

**Peter Geddes, 37 Main Road, Collin, Dumfries, DG1 4JL
("the Tenant")**

**Fiona Smith, Dumfries & Galloway Council, Housing Standards, Militia House,
English Street, Dumfries, DG1 2HR
("the Third-Party Applicant")**

**James Mundell, Braehead Farm, Collin, Dumfries, DG1 4JN
("the Landlord")**

Tribunal Members:

**Susan Christie (Legal Member)
Andrew Taylor (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. Engage a suitably qualified damp specialist to investigate the causes of dampness at two patches on the walls in the Living Room and at the concrete slab adjacent the front door. Undertake all works recommended; make good all plaster, decoration and flooring.
2. Engage a HETAS qualified chimneysweep to sweep the flue to the multi-fuel burner and provide the Tenant with the appropriate certificate.
3. Repair or replace the front door to the property including all draught excluders and weather bars so that the door is secure, wind and watertight, and capable of being easily opened and closed.
4. Replace the seals to the bathroom window so that the window is secure, wind and watertight, and capable of being easily opened and closed.
5. Investigate and repair the cause of the leak affecting the ceiling to bedroom 1.
6. Make good plaster and decoration.
7. Investigate the subsiding floorboards in the kitchen. Replace floorboards and joists as necessary and carry out any rot works required. Include all making good and replacement of kitchen flooring.
8. Carry out maintenance to double window at rear kitchen so that the window is secure, wind and watertight. Include render repair to mullion, pointing and decoration.
9. Repair or replace gutters throughout the property so that they are watertight and operate efficiently.
10. Complete render repairs to all elevations of property and make good.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of eight 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 two preceding pages are executed by Susan Christie, Legal Member of the Tribunal, at Glasgow on 11 September 2024 the presence of the undernoted witness: -

Susan Christie

Legal Member:

_ witness

S. Kennedy name

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