

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Notice of Revocation of a Repairing Standard Enforcement Order under section 25(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/23/0473

Re: Property at 2 Kirkton, Appin, PA38 4DL as more particularly described in Feu Disposition by Argyll and Bute Council to Ewan George Smith and Lynn Smith dated 20 November 1985 (SS 22228 136/218) (“the Property”)

Parties:

Ms Lorna Macdonald, Mr Robert Macdonald, Mossend, Appin, PA38 4BG (“the Landlord”); and

Ms Joanne McCaskell, 2 Kirkton, Appin, PA38 4DL (“the Tenant”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Robert Buchan (Ordinary Member)

Whereas in terms of their decision dated 11 November 2024, the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the works required by the Repairing Standard Enforcement Order (“RSEO”) dated 23 September 2023 were no longer necessary, the Tribunal therefore determined to revoke the RSEO.

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

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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 at Glasgow on 11 November 2024 before this witness:-

R O'Hare

_____ Chairperson