

**First-tier
and Property**

Housing and Property Chamber
First-tier Tribunal for Scotland



**Tribunal for Scotland (Housing
Chamber)**

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006,
Section 24**

Chamber Ref: FTS/HPC/RP/24/0230

Property at 15D Baffin Street, Dundee, DD4 6HB ("the Property")

Land Register Number: ANG61383

The Parties:-

**Mr Yaser Dweik, 15D Baffin Street, Dundee, DD4 6HB
("the Tenant")**

**Amountview Limited, 56 Torridon Road, Broughty Ferry, Dundee, DD5 3GH
("the Landlord")**

Whereas in terms of their decision dated 30 May 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 Property is wind and watertight and in all other respects fit for human habitation.
- (b) The structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- (c) The Property meets the tolerable standard.

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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:-

1. To engage a suitably qualified contractor (i) to investigate the extent and cause of the water ingress into the living room and rear bedroom of the Property, (ii) to eradicate any such ingress of water to ensure the Property is wind and watertight and in a reasonable state of repair and (iii) thereafter to repair any damaged plasterwork and redecorate as required.
2. Following the execution of the works identified as being necessary in terms of paragraph 1 above, to provide evidence thereof to the tribunal and written confirmation that the source of the dampness has been eradicated.

The tribunal orders that the works specified in this Order must be carried out within the period of 28 days from the date of service of this Notice.

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.

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 Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 17 June 2024 before this witness:-

J Lynch witness **Gillian Buchanan** Legal Member

% THORNTONS LAW LLP name in full
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