

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**DECISION OF THE TRIBUNAL  
UNDER SECTION 26  
OF THE HOUSING (SCOTLAND) ACT 2006 ("the Act")**

**In connection with**

**25 Belmont Street, Newtyle PH12 8UE ("the House")**

**The Parties:**

**Eve-Lynn Mitchell, formerly of 25 Belmont Street, Newtyle PH12 8UE ("the Tenant")**

**SGL Investment 2 Ltd (Company Number SC597184), 26-28 High Street, Dundee DD1 1TA ("the Landlord")**

**Reference number: FTS/HPC/RP/23/4216**

**Tribunal Members:**

**John McHugh, Chairperson  
David Godfrey, Ordinary (Surveyor) Member**

**DECISION**

The Tribunal, having carried out a further inspection of the House, determined that the work required by the Repairing Standard Enforcement Order dated 15 April 2024 ("the RSEO") had not been completed.

The decision of the Tribunal was unanimous.

## **Background**

The RSEO required the Landlord to complete the following work within 31 days of service of the RSEO:

- 1 To render the roof watertight so as to prevent water ingress into the House.
- 2 To carry out repairs such that the House is free of damp and to re-plaster and re-decorate the kitchen and living room/bedroom.

## **Reasons for the Decision**

On 23 August 2024, the Tribunal carried out a re-inspection of the House.

At the re-inspection the following was noted:

The Tenant has moved out and the House appeared unoccupied. There is no evidence to suggest that the repairs to the roof have been carried out.

The RSEO has not been complied with.

The Landlord has made no representations in response to the inspection report.

Section 28 of the Act provides that a Landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence. Accordingly, the Tribunal determined that Police Scotland should be notified of the Landlord's failure to comply with the Order.

## **Right of Appeal**

Section 64 of the Act provides a right of appeal to a party aggrieved by the decision of the Tribunal 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.

# John McHugh

John McHugh  
Chairperson

Date: 21 November 2024