

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/24/0919

Title no: Sasine search sheet , County of Angus 67013 ground with Henderson Cottage by NEWTYLE &c. thereon, on north side of a road, part of Farm and lands of COUSTON, in Parish of Newyle, described in Disp. to Mary Crawford McVicar, recorded GRS 15th January 1979 (Book 4119, Folio 26)

4 Henderston Cottages, Newtyle, Angus PH12 8UT (“The Property”)

The Parties:-

- **Mr Ian McCall, Mr Andrew McCall, Mr Angus McCall, Henderston Farm, Angus PH12 8UT (“The Respondents and landlords”)**

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr David Godfrey - Ordinary Member (Surveyor)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 16th July 2024 that the **RSEO** relative to the House served on 4th September 2024 should be varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for 3 months from the date of service of this variation.
2. The steps which the Tribunal require the landlord to take in complying with the order are amended as follows :-
 - a) Repair the roof covering, including but not limited to, the slate work, flashings, valley gutters and ridge to ensure that the property is wind and watertight;
 - b) Repair the chimney stacks and ancillary flashings to ensure that the Property is wind and watertight;

- c) Investigate the source of dampness to the lower walls of the master (westmost) bedroom and carry out all necessary repairs to ensure that the lower walls in this area are free from dampness;
- d) Repair the window in the Living Room to ensure that it is wind and watertight; and
- e) Install a suitable surface water drainage system to ensure that the exterior of the house is in a reasonable state of repair and to prevent further damage to the property as a result of flooding. Evidence of the work as it progresses should be recorded and supplied to the tribunal when complete.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does apply in this case.

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.

In witness whereof these presents type written on this and the preceding page are executed by Gabrielle Miller, legal member of the Tribunal, at Glasgow on the 22nd January 2025 in the presence of the undernoted witness:-

G Miller

S Kennedy

_____ witness _____ Legal Member

SUSAN KENNEDY name in full

20 YORK STREET Address

GLASGOW

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