

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/RT/24/1655

16 Ashgrove Crescent, Ecclefechan, Lockerbie, DG11 3EA Land Register of Scotland under title number DMF17282 ('The Property')

The Parties:-

Graeme and Fiona Carruthers residing together at Dunnekelly, Burnbank Street, Ecclefechan, DG11 3DH ('the Landlord').

Mr Edment, Solicitors, McJerrow and Stevenson, Solicitors, Lockerbie ('the Landlord's Representative')

Dumfries and Galloway Council ('Third Party')

Lisa McGregor ('the former Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Sara Hesp (Ordinary Member).

NOTICE TO the Landlord

1. Whereas in terms of their decision dated 29th April 2025 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 and in particular the Landlord has failed to ensure that the Property was wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order; the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order; the fixtures and fittings provided by the Landlord are in a reasonable state of repair and proper working order and the Property meets the tolerable standard in relation to the fire and smoke alarms.

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 to:

1. Repair or replace the cracked front window in the lounge.
2. Repair or replace the smoke alarms in the lounge, kitchen, downstairs hall and upper hall to render them in proper working order and interlinked in compliance with the statutory guidance.
3. Repair the isolator switch at the bottom right hand wall of the kitchen to render it in proper working order.
4. Repair the cooker isolator switch and plug to render them in proper working order.
5. Repair or replace the peeling wallpaper in the kitchen.
6. Repair or replace the back door to render it wind and water tight and in proper working order.
7. Repair or replace the main light in the bathroom.
8. Treat and remove the black mould/ damp on the ceiling of the bathroom and bedrooms 2 and 3.
9. Repair or replace the peeling wall paper in Bedroom 2.
10. Repair or replace the external soffit board above bedroom 2 at the rear of the Property.
11. Clear the vegetation growing in the guttering at the front and rear of the Property.
12. Repair or replace the broken fence and gate accessing the back garden.
13. Exhibit a valid and compliant EICR Certificate covering 100% of the installation including the heaters and carried out by a suitably competent electrician accredited by NICEIC, SELECT or NAPIT.

The Tribunal orders that these works must be carried out and completed by 15th July 2025.

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.

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 a landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 typewritten on this and the preceding two pages are subscribed at Hamilton on 6th May 2025 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Shannon Graham, Bothwell House, Hamilton.

Signed..... **J Taylor**

Chairperson

S Graham
witness