

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/23/1092**

**Re: Property at 38 Sunnybraes, Steelend, Dunfermline, Fife KY12 6NE ("the Property")**

**Land Register Number: FFE55965**

**Parties:**

**Miss Lisa Goldie, sometime 38 Sunnybraes Terrace, Steelend, Dunfermline, Fife KY12 9NE ("the Tenant")**

**Mr Calum McLean Watt, 128 Henderland Road, Bearsden, Glasgow G61 1JA ("the Landlord")**

**Tribunal Members:**

**George Clark (Legal Member) and Geraldine Wooley (Ordinary/surveyor Member)**

Whereas in terms of their Decision dated 1 August 2023, 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"), the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property concerned 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 carry out such roof and chimney repairs as are necessary, including replacing slipped and missing slates, and repointing and reharling the chimney stack, ensuring both roof and chimney stack are safe, wind and water tight.
2. to replace the gutters with new guttering of adequate capacity to cope with the water discharge from the roof.
3. to clean off the mould and treat the walls of the stair and in the second bedroom to prevent further mould growth, monitor the affected areas for dampness and once dried out, redecorate.

4. to remove the mould and treat the walls and ceiling in the bathroom and take such steps as are necessary to ensure the bathroom is suitably ventilated.
5. to carry out such repairs as are necessary to ensure the entrance door and doorframe to the Property are wind and water tight, or to replace them.
6. to repair or replace the opening light in the kitchen window so that it is wind and water tight.
7. to carry out all necessary repairs to ensure the radiators in the hall and main bedroom are not leaking and thereafter to provide the Tribunal with a copy of a Gas Safety Certificate from a registered Gas Safe engineer, dated after the date of the repairs.
8. to install a carbon monoxide monitor in the kitchen, in compliance with all relevant legislation and regulations and Scottish Government Guidance.
9. to replace the garden fence.

The Tribunal orders that the works required by this Order must be carried out within three months of the date of service of this Order on the Landlord.

#### **Right of Appeal**

**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.**

IN WITNESS WHEREOF these presents, typewritten on this and the preceding page, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 11 October 2023 before this witness, Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

# G Clark