

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006

Section 24

Chamber Ref: FTS/HPC/RP/24/3890

Re: 26 Strathmartine Road Dundee DD3 7RJ ("the Property")

TITLE NUMBER: ANG6889

Parties:

**Mr Frank Yorke, Moorcroft, Old Whisky Road, Auchterhouse, Dundee DD3 0RD
("the Landlord")**

Mr Robert Walker ("the former Tenant")

Whereas in terms of their decision dated 23 May 2025, 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 reasonably 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 proper working order;
- (c) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order; and
- (d) That the house meets the tolerable standard in that it is free from penetrating damp.

the Tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house 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:-

- (a) Investigate the source of damp throughout the property and carry out all necessary repairs and thereafter redecorate as necessary.
- (b) to provide a report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT showing no category 2 or 3 defects.
- (c) To repair or renew the doorframe to the shower room;
- (d) To replace the cracked and broken tiles in the shower room and to redecorate the shower room ceiling;
- (e) To repair or replace the faulty bedroom window;
- (f) The Tribunal order that the works specified in this Order must be carried out and completed within the period of 9 months from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 preceding page(s) are executed by Graham Harding, legal member, 20 York Street Glasgow, chairperson of the tribunal at Perth on 23 May 2025 before this witness:-
Julia N Harding.