

# 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/RT/24/4200**

**Title no: Sasine search sheet, County of Forfar. (I) 62 Poles 20 yards of ground, bounded on south by BROOK STREET, BROUGHTY FERRY, being part of lot No 15 and whole of Lot No 16 of Feuing Plan of part of Estate of Broughty Ferry, entitled Feuing Plan of Part of BROUGHTY FERRY LINKS and (IL) Piece or Pieces of ground measuring 42 Poles 7 ½ yards, comprehending 2 Lots of ground marked 31 and 32 on the Feuing Plan of part of East of Broughty Ferry, bounded on east or south east by Castle Street, all in Parish of Monifieth.**

**Property at 1/1 Albion Place, 19 Castle Street, Broughty Ferry, Dundee DD5 2EH ("The Property")**

**The Parties:-**

- **Dundee City Council - Private Sector Services, 5 City Square, Floor 3, Dundee DD1 3BA ("The Third Party Applicant")**
- **The Trustees of the Late Patricia Stuart 2017 Will Liferent Trust, Whitehall House, 33 Yeaman Shore, Dundee DD1 4BJ ("the Landlord")**
- **Ms Keri Boland, 1/1 Albion Place, 19 Castle Street, Broughty Ferry, Dundee DD5 2EH ("the Tenant")**

**The Tribunal comprised:-**

Ms Gabrielle Miller	-	Legal Member
Mr Robert Buchan	-	Ordinary Member

Whereas in terms of their decision dated 25<sup>th</sup> June 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 in proper working order;

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 to:-

- a) Repair and/or replace the fascia around the dormer window servicing the north east bedroom to ensure that it is in a reasonable state of repair and in proper working order;
- b) Repair and/or replace the Velux window in north east bedroom to ensure that it is in a reasonable state of repair and in proper working order;
- c) Investigate the dampness issues and to submit to the Tribunal for their further deliberation a report by a suitably qualified contractor or contractors on remedial measures necessary to ensure that the house is wind and watertight, in a reasonable state of repair and fit for human habitation. This should include details for comprehensive overhaul of the common stack, skews, associated flashings and rain-water fittings. The report should also include any recommendations for any other remedial works and/or further actions to alleviate the dampness in the property. The report must be issued to the Tribunal for their further consideration within 30 days of the date of this Order. Any damage caused by the carrying out of any work in pursuance of the duty to ensure that the property meets the repairing standard should be made good. On completion of the works to ensure that the property is made wind and water tight, any necessary replastering of the damp affected interior walls and subsequent redecoration should be carried out."

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 3 months from the date of service of this Notice.

**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.

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 pages are executed by Gabrielle Miller, Chair and Legal Member of the Tribunal at Glasgow on 27<sup>th</sup> June 2025 in the presence of the undernoted witness:-

C Tracey

witness

G Miller chairperson

Christopher Tracey name in full

Glasgow Tribunal's cent Address

20 York Street  
Glasgow G2 8GT