

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)

(Hereinafter referred to as “the Tribunal”)

Case Reference Number: FTS/HPC/RP/24/5599

Re: 2/1, 17 Glasgow Street, Glasgow G12 8JW (“the house”)

Land Register Title No: GLA104 214

Ms Charlene Hewitt, residing at the house (“The Tenant”)

Mr Alexander Russell-Smith, 10 Friars Brae, Linlithgow EH49 6BQ (“The Landlord”)

Tribunal Members – Sarah O'Neill (Legal Member) and Lorraine Charles (Ordinary (Surveyor) Member)

NOTICE TO: Mr Alexander Russell-Smith (the Landlord)

Whereas in terms of its decision dated 26 June 2025, the Tribunal determined that the landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and in particular that the landlord has failed to ensure that the house meets the repairing standard in that:

- the house is not wind and watertight and in all other respects reasonably fit for human habitation
- the structure and exterior of the house is not in a reasonable state of repair and in proper working order.

The Tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The Tribunal now requires the landlord to carry out such work as is necessary for the purpose of ensuring that the house meets the repairing standard, and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular, the Tribunal requires the landlord to:

1. Repair the leak in the common roof to ensure that it is wind and watertight and is in a reasonable state of repair and in proper working order.
2. Repair and then redecorate the living room ceiling to ensure that it is in a reasonable state of repair and in proper working order.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of **eight weeks** from the date of service of this notice.

Rights 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.

Please note that in terms of section 28(1) of the Housing (Scotland) Act 2006, 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 typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twenty-sixth day of June, Two Thousand and Twenty-Five before this witness –

S O'Neil