

# **Housing and Property Chamber**

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

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### **Repairing Standard Enforcement Order**

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

**Section 24 Housing (Scotland) Act 2006 ("the 2006 Act")**

**Chamber Ref: FTS/HPC/RP/24/5537**

**The Property: Flat 2-2, 2 Haughview Terrace, Glasgow, G5 0LN ("The Property")**

**Land Register Title Number- GLA216523**

**The Parties:**

**Mrs Yin Fun Cheng, c/o Clyde Property Ltd, 8 Busby Road, Clarkston, Glasgow, G76 7XL ("the Landlord")**

**Tribunal Members:**

**G McWilliams- Legal Member**

**L Charles - Ordinary Member**

**The Repairing Standard Enforcement Order ("RSEO")**

- 1. Whereas in terms of their Decision dated 2<sup>nd</sup> September 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 the installations in the Property for sanitation are in reasonable state of repair and the Property meets the tolerable standard, the Tribunal therefore decided that the Property does not meet the Repairing Standard specifically in terms of Section 13 (1) (c) of the 2006 Act.**
- 2. The Tribunal now orders the Landlord to carry out such investigations and works as are necessary for the purpose of ensuring that the Property meets the Repairing Standard all in terms of Section 13(1) (c) of the 2006 Act and that any damage caused by the carrying out of any works in terms of this Order is made good.**
- 3. Specifically, the Landlord has to:**

- i) carry out appropriate investigations to determine the cause of the high moisture readings around the toilet in the bathroom in the Property; and
  - ii) carry out such repairs and other works, to ensure that the moisture readings in the bathroom are reduced to safe levels, there is no dampness in that room and that the Property complies with the Repairing Standard; and
  - iii) provide appropriate documentation and/or certification confirming the execution of the repairs and works and that the moisture readings in the bathroom are reduced to satisfactory levels, there is no dampness in that room and that the Property complies with the Repairing Standard.
4. In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, and the extent of the remedial works which require to be carried out, the Tribunal determines that the RSEO requires to be complied with by 31<sup>st</sup> October 2025.

### **Right of Appeal**

A Landlord, Tenant or Third-Party Applicant aggrieved by a 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 2006 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 2006 Act.

In witness whereof these presents, typewritten on this and the preceding page, are executed by Gerry McWilliams, Solicitor, Legal Member of the Tribunal, at Glasgow on 2<sup>nd</sup> September 2025. before this witness:-

# **G McWilliams**