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

Land Register Title No: ANG24388

Chamber Ref: FTS/HPC/RP/26/1131

Property at 1/3, 341 Clepington Road, Dundee, DD3 8BA ("the Property")

The Parties:-

Mr Nicholas Shepherd, 1/3, 341 Clepington Road, Dundee, DD3 8BA ("the Tenant")

Mr James Mudie Symons, 1 Cameron Street, Dunfermline, KY12 8DP ("the Landlord")

Whereas in terms of their decision dated 7 October 2026, 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 installations in the house for the supply of water, gas and, electricity and (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order; and

(b) The house meets the tolerable standard.

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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:-

(i) To engage a suitably qualified and registered SELECT or NICEIC electrical contractor or suitably skilled electrician to carry out a condition check on the electrical installations of the Property - including the electric shower and the smoke and heat detection equipment - and thereafter to undertake all works required to ensure that the entire system - including the electric shower and the smoke and heat detection

equipment – is safe and in proper working order and thereafter to prepare an electrical installation condition report (EICR).

(ii) On completion of the works referred to in (i) above to provide to the Tribunal a copy of the EICR which describes the system overall as satisfactory with no items marked as Category 1 or Category 2.

(iii) To instruct a suitably qualified specialist to investigate and report on the extent and cause of the condensation within living room (including the cupboard housing the boiler) of the Property and produce a written report to the Tribunal for further consideration and further Decision outlining any works required to eliminate the cause of the condensation. The specialist should be provided with a copy of the Tribunal's Decision dated 7 October 2026 for reference.

Where works are required to eliminate the cause of the condensation, and following approval of those works by the Tribunal, to instruct a suitably qualified contractor to carry out such works as are necessary to eliminate the cause of the condensation and on completion of the works the Landlord is required to provide to the Tribunal written evidence from the contractor employed of the works carried out and confirmation from the contractor that the source of the dampness has been eradicated.

(iv) To decorate the kitchen/bedroom ceiling.

The tribunal orders that the works specified in this Order must be carried out within the period of 3 months from the date of service of this Notice.

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 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/

This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 7 October 2026 before this witness:-

G Buchanan