

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/17/0385

Land Register Title No. ABN50004

**Property at 27 Ardinn Road, Turriff, AB53 4PG
("The Property")**

The Parties:-

**MS CATHERINE COSGROVE, 27 Ardinn Road, Turriff, AB53 4PG
("the Tenant")**

**MR DAVID MCLEOD AND MS CAROLYN MCQUAT, The Glass House, Back Street,
Fordyce, Banff, AB45 2SU
("the Landlords")**

**ABERDEENSHIRE COUNCIL, Gordon House, Blackhall Road, Inverurie,
Aberdeenshire, AB51 3WA
("the Third Party Applicant")**

Whereas in terms of their decision dated 5 February 2018 the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') determined that the Landlords have 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 Landlords have failed to ensure that:-

- (a) The Property is wind and water tight and in all other respects reasonably fit for human habitation.
- (b) The structure and exterior of the Property (including drains, gutter and external pipes) are in a reasonable state of repair and in proper working order.
- (c) The installations in the Property for the supply of water, gas and electricity, and for sanitation, space heating, and heating water are in a reasonable state of repair and in proper working order.

- (d) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

the tribunal now requires the Landlords 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 Landlords to carry out the following works:-

- (a) Repair or replace the exterior front door and the glass side panel adjacent thereto to ensure that the door and the glass panel are wind and watertight, in a reasonable state of repair and in proper working order and to provide keys to the front door to the Tenant;
- (b) Repair or replace the wash hand basin and the pipework therefrom in the first floor bathroom to ensure that it is in a reasonable state of repair and in proper working order and redecorate the ceiling below in the ground floor hallway to eliminate water damage thereto;
- (c) Repair or replace the shower in the first floor bathroom to ensure that it is in a reasonable state of repair and in proper working order and to submit to the tribunal evidence detailing and vouching the remedial works effected.
- (d) To install sufficient smoke alarms and heat detectors that are mains wired and interlinked and otherwise comply with the requirements of the relevant fire legislation and to submit to the tribunal certification therefore from a suitable qualified electrician.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of 2 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 pages are executed by Miss Gillian Buchanan, Solicitor, 1 Atlantic Quay, 45 Robertson Street, Glasgow, G2 8JB, Chairperson of the tribunal at Dundee on 5 February 2018 before this witness:-

G Buchanan

_____ witness

_____ Chairperson

SARAH KIDD name in fullWHITEHALL HOUSE Address33 YGAMAN SHOREDUNDEE, DD1 4BJ