

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**Variation of Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25**

**Chamber Ref: FTS/HPC/RT/16/1007**

**Title no/Sasines Description: FFE84905**

**89 Kirkburn Drive, Cardenden, Lochgelly, Fife KY5 0LS  
 (“The House”)**

**The Parties:-**

**Fife Council (Private Housing Standards), Kingdom House, Kingdom Avenue,  
Glenrothes, Fife, KY7 5LY  
(represented by their agent (Mrs Christine Hay))  
 (“the Third Party Applicant”)**

**Mr David Thomson, Kingdom House, Kingdom Avenue, Glenrothes, Fife, KY7  
5LY  
 (“the Tenant”)**

**Ms Farah Usman, 26/2 Avon Road, Edinburgh EH4 6RD  
 (“the Landlord”)**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 4<sup>th</sup> April 2017 that the **RSEO** relative to the House served on 19<sup>th</sup> May 2017 should be varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for 28 days from the date of service of this variation.
2. The steps which the Tribunal require the landlord to take in complying with the order are amended as follows :-
  - a. Main doors - the doors need to be rehung or replaced to fit the frame and eliminate draughts.
  - b. The central seal on the patio doors needs to be draught proofed.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does apply in this case.

**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.

In witness whereof these presents type written on this and the preceding page are executed by Gabrielle Miller, legal member of the Tribunal, at Dundee on the 13<sup>th</sup> October 2017 in the presence of the undernoted witness:-

Helen McGregor

Gabrielle Miller

\_\_\_\_\_ witness

Legal Member

DR HELEN MCGREGOR name in full

CALEDONIA HOUSE Address

GREENMARKET

DUNDEE