

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/RP/17/0365

Title Number: ANG23903

**40b Landsdowne Square, Dundee, DD2 3HW
("The Property")**

The Parties:-

**Miss Daryl Bradford, residing at 40b Landsdowne Square, Dundee, DD2 3HW
(represented by their agent, Mr Peter Kinghorn of Dundee North aw Centre and
Ms Deborah Barron of Shelter) ("the Tenant")**

**Mr Ronald and Mrs Elizabeth Evans, residing at 31 Cupar Road, Newport on
Tay, Fife (represented by their agents, Ms Joanna Leek and Mr David Wilkie of
The Property Management Company, 19 Castle Street, Tayport ("the
Landlords"))**

Whereas in terms of their decision dated 13 February 2017, 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 Property is wind and watertight and in all other respects reasonably fit for human habitation
- (b) 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

the Tribunal now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the Property concerned 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:-

- (a) To carry out such works as are necessary to reduce the levels of condensation with the Property to an appropriate level compliant with the repairing standard.

- (b) To repair or replace the defective extractor fan within the bathroom, to remove so far as possible the existing mould and damp spotting in the bathroom, apply an inhibitor and redecorate as appropriate.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 3 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 page are executed by Ewan K Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Tribunal at Dundee on 13 February 2107 before this witness:-

Lindsay Johnston

____ witness

Ewan Miller

____ name in full

____ Address

Whitehall House
33 Yeaman Shore
Dundee DD1 4BJ.