

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act
2006, Section 24(2)**

Chamber Ref: FTS/HPC/RP/21/0210

**1F4, 53 Bread Street, Edinburgh, EH3 9AH (Title number MID111224) (“the
Property”)**

The Parties:-

**Ms Daniela Schoch, 1F4, 53 Bread Street, Edinburgh, EH3 9AH
 (“the Applicant”)**

**Mr Niel Jorgensen, 132 St Stephen Street, Edinburgh, EH3 5AA
 (“the Respondent”)**

**Matrix Property Management Limited, 132 St Stephen Street, Edinburgh, EH3
5AA
 (“the Respondent’s Representative”)**

Tribunal members

Ms. Susanne L. M. Tanner Q.C., Legal Member and Chair

Mr. Andrew McFarlane, Ordinary Member

**NOTICE TO Mr Mr Niel Jorgensen
(the RESPONDENT / LANDLORD)**

**WHEREAS in terms of its decision dated 8 September 2021 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 and in particular that the
Landlord has failed to ensure that the House meets the repairing standard in
the following respects:**

“(a) the house is wind and watertight and in all other respects reasonably fit for human habitation;

(b) The installations in the House 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; and

(h) 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 House 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:

1. to repair or replace the non-mechanical vent fixed through the upper pane of glass in the showerroom window (which currently does not have an outer cover), all to be left in full working order; and
2. to repair or replace the current timber double hung sash and case window to the showerroom to restore to a reasonable state of repair and leaving all wind and watertight, particularly to remove and replace or otherwise repair decayed or otherwise defective timbers, remove vegetation growing out of gaps in cill, remove and replace all defective pointing between the window frame and surrounding parts of the outer wall structure.

The tribunal orders that the works specified in this Order must be carried out and completed within 8 weeks from the date of service of this Notice.

Right of Appeal

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 an 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 two preceding page(s) are executed by Ms. Susanne L M Tanner, Queen's Counsel, Legal Member and chair of the tribunal

S Tanner

Legal Member / Chair

signed on 8 September 2021 (date) at Edinburgh

before this witness:-

I H Murning

Witness

IAN HENRY MURNING

name in full

PARLIAMENT HOUSE,

Address

PARLIAMENT SQUARE

EDINBURGH EH1 1RF