

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/21/0825

Title Number: GLA170509

Flat 2/2 18 Melrose Gardens, Glasgow, G20 6RA (“the Property”)

Parties:

**Emma McCormick, Christopher McKechnie, Flat 2/2 18 Melrose Gardens,
Glasgow, G20 6RA (“the Tenants”)**

**Robert Dougall, Paula Rogers, 25 Penrith Avenue, Giffnock, Glasgow G46 6LU
 (“the Landlords”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

Carol Jones (Ordinary Member)

Whereas in terms of their decision dated 27 September 2021, 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 house is wind and watertight and in all other respects reasonably fit for human habitation,

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: -

1. To instruct a suitably qualified roofing contractor to investigate the cause of water ingress and carry out any recommended remedial work to prevent any further water ingress.

2. To instruct a suitably qualified window contractor to inspect the living room and bedroom windows and carry out any necessary repairs to ensure that the property is wind and watertight and that the windows are in proper working order; or replace the windows.

The Tribunal order that the works specified in this Order must be carried out and completed within the period three months from the date of service of this Notice.

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.

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 Josephine Bonnar, Legal Member of the Tribunal, at Motherwell on 27 September 2021 in the presence of the undernoted witness:-


_____ witness

J Bonnar Legal Member

Gerard Bonnar
1 Carlton Place, Glasgow