

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/21/2697**

**Re: Property at West Lodge, Stobo, Peebles EH45 8NY ("the Property")**

**Land Register No: PBL6147 (part)**

**Parties:**

**Miss Carol McMillan, West Lodge, Stobo, Peebles EH45 8NY ("the Tenant")**

**Mr Hugh Leopold Seymour, Larkhill, Lauder TD2 6RS ("the Landlord")**

**Tribunal Members:**

**George Clark (Legal Member/Chair) and Mike Links (Ordinary/surveyor Member)**

Whereas in terms of their Decision dated 8 February 2022, 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"), the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the house 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 Landlord to:

1. Carry out such works to the windows throughout the Property as are necessary to ensure they are wind and water tight and that they can be opened and closed and can be properly secured.
2. Carry out such repairs as are necessary to the chimneyhead to ensure that it is structurally safe and wind and water tight, including fitting suitable cowls to the chimney pots.
3. Carry out such repairs to the roof and roof pertainents as are necessary to render the roof wind and water tight, and such repairs/replacements as are necessary to ensure the gutters are water tight.
4. When the chimney head work has been completed, carry out such works as are necessary to repair internal plasterwork and decoration.
5. Carry out such work as is necessary to ensure the access hatch in the kitchen can be safely opened and closed.
6. Exhibit to the Tribunal a report from a suitably qualified professional contractor that the insulation in all accessible roof spaces in the Property meets the



tolerable standard, and if it does not, to carry out such improvements as are necessary to ensure it meets that standard.

7. Carry out such work as is necessary to repair or replace the lock and handle in the back entrance door of the Property and to make it wind and water tight.
8. Carry out such work as is necessary to remove mould, wash down and apply fungicidal treatment to the wall adjacent to the stair window, and to establish a regular programme for repeating that work until such time as a permanent solution to the problem of moisture and mould forming in that area.

The Tribunal orders that the works required by this Order must be carried out within four months of the date of service of this Order on the Landlord.

### **Right of Appeal**

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

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, typewritten on this and the preceding page, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 8 February 2022 before this witness, Natasha Schlichtkrull, 12 Pentland View, Edinburgh.

G Clark

N Schlichtkrull

... Legal Member/Chair

Witness