

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

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**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/20/2344**

**Title Number: LAN 19101**

**Property at 173 Low Waters Road, Hamilton, ML3 7QQ (“the Property”)**

**Parties:**

**Miss Lorraine Lamey, 173 Low Waters Road, Hamilton, ML3 7QQ (“the Tenant”)**

**Mr Christopher Winsborough, 3/9 Gipps Ave, Mordialloc, Victoria 3195,  
Australia (“the Landlord”)**

Whereas in terms of their decision dated 1 October 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,
- (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
- (c) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,

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 window contractor to inspect the windows in the kitchen and front bedroom and carry out any necessary repairs to ensure that the windows are in proper working order; or to replace the windows.
2. To relocate the heater in the kitchen so that the control panel is accessible.
3. To repair or replace the heater in the hall.
4. To instruct a suitably qualified SELECT, NAPIT or NICEIC registered electrician to carry out a certified electrical inspection and testing of the entire electrical installation in the property, carry out any necessary repairs, and exhibit a satisfactory EICR to the Tribunal.
5. To instruct a suitably qualified roofing contractor to replace any missing and damaged slates on the roof and carry out all necessary and recommended remedial work to prevent water ingress at the property

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 10 weeks 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 1 October 2021 in the presence of the undernoted witness:-

 witness

**J Bonnar** Legal Member

Gerard Bonnar  
1 Carlton Place, Glasgow