

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/RT/22/1995

Property Address: 1/1, 44 Main Street, Dundee DD3 7HN (the property")

The Parties: Mr Latif Azam, 1/1, 44 Main Street, Dundee DD3 7HN ("the tenant")

Mrs the Zahida Qadar, 367 Clepington Road, Dundee DD3 8ED ("the Respondent")

Whereas in terms of their decision dated ** the First-tier tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determined that the Respondent had 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 respondent has failed to ensure that the house meets the repairing standard with reference to the following provisions of Section 13 (1)(a) of the act as amended. :-

- 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 purpose 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:-

- a) Instruct an RICS qualified building surveyor to inspect the bathroom and provide to the tribunal a report specifying recommended measures to remove and prevent the mould and condensation so as to ensure that the interior of the property meets the repairing standard. The tribunal give this further consideration with a view to specifying further action.
- b) To repair or replace the front door so as to ensure that it is windtight and meets the repairing standard.

The tribunal order that work specified in the order must be carried out within a period of 28 days from the date of intimation of this order.

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.

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 finally 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 respondent 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 respondent (and that includes any 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 that house. This is in terms of Section 28(5) of the Act.

Witness

A Gibson

Name in Full

Address

Chairperson

Date 31 March 2023