

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 Reference: FTS/HPC/RP/22/0806

**Title Number: Subjects registered in the Land Register of Scotland under Title
Number MOR3566**

The Parties

Miss Rossana Elisiario, 34 South Guildry Street, Elgin, IV30 1QN (“The Tenant”)

Mr Tom Cameron, 58 James Street, Lossiemouth, IV31 6BY (“The Landlord”)

Subjects: 34 South Guildry Street, Elgin, IV30 1QN (“the Property”)

NOTICE TO

Mr Tom Cameron, 58 James Street, Lossiemouth, IV31 6BY

Whereas in terms of their decision dated 22nd August 2022, the First-tier Tribunal for Scotland (Housing and Property Chamber) has 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 the Landlord has failed to ensure that:

- (i) The Property is wind and watertight and in all other respects reasonably fit for human habitation;
- (ii) The structure and exterior of the house (including drains, gutters and external pipes) is in a reasonable state of repair and in proper working order;
- (iii) 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 to:

1. Repair or replace the main bedroom window and secondary glazing to ensure they are wind and watertight, and in proper working order.
2. Arrange an inspection of the cooker by a suitably qualified electrician to ensure it is in proper working order, failing which, replace the cooker.
3. Carry out sufficient repairs to the roof over the communal stairwell to ensure it is safe and does not allow the penetration of water to the interior stairwell.
4. Repair the bathroom cabinet by installing toughened glass or Perspex doors, failing which, replace the bathroom cabinet with a suitable replacement.
5. Remove damaged stonework from the external wall of the stairwell and replace or reface the stonework.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of six 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.

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 Property at any time during which a RSEO has effect in relation to the Property. This is in terms of Section 28(5) of the Act.

In witness whereof these presents typewritten on this and the preceding page are executed by Helen Forbes, chairperson of the Tribunal at Inverness on 26th August 2022 before this witness Margaret Forbes, 67B Glenurquhart Road, Inverness