

Housing and Property Chamber
First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Repairing Standard Enforcement Order (RSEO) under section 24(2) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/22/3981

Re: Property at 293 Broomhill Road, Aberdeen, AB10 7LN (“the Property”) as more particularly described under Title Number ABN93375

Parties:

Dr James de Kauwe and Mrs Alice De Kauwe, 293 Broomhill Road, Aberdeen, AB10 7LN (“the Tenant”)

Mr Grant and Mrs Lynne Campbell, 114 Wittenburgerweg, Wassenaar, Netherlands, 2244CE (“the Landlord”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Angus Anderson (Ordinary Member)

Whereas in terms of their decision dated 5 June 2023, 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:-

- (i) the house 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) are in a reasonable state of repair and in proper working order; and
- (iii) 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.

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:-

- (a) Instruct a chartered building surveyor to inspect the property with particular regard to the sources of current and previous water ingress and submit the report to the Tribunal for consideration and further determination prior to carrying out such works as are necessary to resolve the issue;
- (b) Instruct a damp specialist to investigate the source of the damp in the attic bedroom and submit the report to the Tribunal for consideration and further determination prior to carrying out such works as are necessary to resolve the issue;
- (c) Instruct a Gas Safe Registered engineer to identify the source of the loss of pressure in the heating installation and submit the report to the Tribunal for consideration and further determination prior to carrying out such works as are necessary to resolve the issue;
- (d) Replace or repair the French doors and adjacent panels to the rear of the property such that they are in a reasonable state of repair and in proper working order; and
- (e) Carry out such redecoration works as are necessary following the works required at (a) to (c).

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

Right of Appeal

In terms of Section 46 of the Tribunal (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 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 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 page(s) are executed by Ruth O'Hare, Chairperson, c/o Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT on 5 June 2023 before this witness:-