

# 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/RP/23/0032**

**Title no: GLA87317**

**104 Queens Drive, B/2, Glasgow G42 8BJ ("The Property")**

**The Parties:-**

**Dr Emma El Makdessi, residing at 104 Queens Drive, B/2, Glasgow G42 8BJ  
("the Tenant")**

**Ms Mary Elizabeth Glackin, residing at 31 Kimberley Drive, Crosby, Liverpool  
L23 5TA ("the Landlord")**

**Tribunal Members: Richard Mill (Legal Member) and Nick Allan (Ordinary  
Member)**

**NOTICE to MS MARY ELIZABETH GLACKIN, residing at 31 Kimberley Drive,  
Crosby, Liverpool L23 5TA ("the Landlord")**

Whereas in terms of their decision of even date the Tribunal determined that the landlord has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlord has failed to ensure that:-

- the house does not meet the tolerable standard.

The Tribunal now requires the landlord to carry out such works as are necessary for the purposes of ensuring that the property 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:-

1. To install an effective extractor fan in the bathroom to ensure the adequate removal of moisture. This has to comply with all relevant statutory legislation and regulations in force in Scotland.
2. To remove and treat all black mould on the ceiling, walls and bathroom sealant and to thereafter redecorate those affected areas.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of 6 weeks and that any redecoration required, as a consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the Tribunal.

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.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 31 March 2023 before this witness:-

**R Mill**