

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/22/0061

Title: Subjects at Property at Ground Floor, 14 Jackson Terrace, Aberdeen,
AB24 5LP ("the Property") under Disposition by Albion Properties Limited
to John Enson Milne dated 17th October 1975
in terms of Sasine sheet 64010

The Parties:-

Ms Lydia Gahr, Ground Floor, 14 Jackson Terrace, Aberdeen, AB24 5LP ("the
Tenant")

Mr Jack Milne, c/o 2nd Floor Chattan Mews, 18 Chattan Place, Aberdeen, AB10 6RD
("the Landlord")

The Tribunal comprised:-

Ms Ruth O'Hare - Legal Member
Mr Robert Buchan - Ordinary Member

Whereas in terms of their decision dated 27 April 2022, 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 meets the tolerable standard

the Tribunal now requires the landlord to carry out such work as is 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 to:-

- (i) Instruct a damp specialist to investigate the source of damp within the
property and submit their findings to the Tribunal for further consideration;
and

- (ii) **Instruct Home Energy Scotland to carry out an assessment of the property and submit their report to the Tribunal for further consideration.**

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.

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 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 type written on this and the preceding page(s) are executed by Ruth O'Hare, Chairperson, 23 Braemar Place, Aberdeen. AB10 6EN before this witness:-

R O'Hare