

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/23/0270

Sasines Description: Subjects in the County of Ross and Cromarty being the subjects more particularly described in Disposition to Ian Ross and Elizabeth Tolmie Ross recorded in the Division of the General Register of Sasines for the County of Ross and Cromarty on 29th April 1996

The Parties

Mr Mark Rodgers, Rowan Cottage, Drumsittal, North Kessock, Inverness, IV1 3XF ("The Tenant")

Mrs Elizabeth Ross, Rosscroft Properties, Culbin, Drumsittal, North Kessock, Inverness, IV1 3XF ("The Landlord")

Subjects: Rowan Cottage, Drumsittal, North Kessock, Inverness, IV1 3XF ("the Property")

NOTICE TO

**Mrs Elizabeth Ross, Rosscroft Properties, Culbin, Drumsittal,
North Kessock, Inverness, IV1 3XF**

Whereas in terms of their decision dated 24th April 2023, 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:

- 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;

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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:

- Carry out such works as are necessary to alleviate the flooding to the paved area.

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

Date: 26th April 2023

Chairperson

____ Witness

DEVLIN Witness full name

Witness address