

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 Ref: FTS/HPC/RP/22/1502

Re: Property at 87 Gatehead Road, Crosshouse, Kilmarnock, East Ayrshire, KA2 0JH (“the Property”)

Parties:

Mr David Reilly (“the Applicant”)

Mrs Irene Fowler, 1 Plann Road, Kilmarnock, KA2 0EN (“the Respondent” and “Landlord”)

Slater, Hogg and Howison, 3rd Floor, 26 Springfield Court, Glasgow, G1 3DQ (“the Respondent’s Representative”)

Tribunal Members:

Martin McAllister (Legal Member) and Donald Wooley, Chartered Surveyor, (Ordinary Member) (“the tribunal”)

NOTICE TO

Mrs Irene Fowler

Whereas in terms of their decision dated 5th September 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 tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The tribunal determined to make a repairing standard enforcement order in the following terms:

The Landlord is required to:

- 1. Obtain a detailed report from a suitably qualified timber and damp treatment contractor confirming both the extent and the source of the dampness and mould throughout the property, together with any remedial action necessary to eradicate the problem. The report should include a detailed specification on any additional ventilation required to address the issue in the main bedroom (rear room right), the living room, the kitchen including wall mounted cupboards, and bathroom within the property. The report should be submitted to the Tribunal.**
- 2. Complete all recommended repairs in accordance with the specification recommended and redecorate as required.**
- 3. To replace or repair the lining of the kitchen units which are affected by dampness and/or mould.**

The works required by the repairing standard enforcement order require to be completed by 31st October 2022.

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 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 typewritten on this and the two preceding pages are executed by M J McAllister, legal member of the First-tier Tribunal for Scotland at Airdrie on 5th September, 2022 before Nick Allan, Chartered Surveyor, Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT