

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/22/4346

Property at Flat 5/L, 84 Commercial Street, Dundee, DD1 2AP ("the Property")

Property Description:- Flat 5/L, 84 Commercial Street, Dundee, DD1 2AP situated on the attic floor and forming part of ALL and WHOLE the three houses entering by 84 Commercial Street, Dundee lying in the County of Angus described in the Disposition granted by The Scottish Metropolitan Property PLC to Sale Developments Limited dated Twenty second April and recorded in the Division of the General Register of Sasines for the County of Angus on 20 June both months Nineteen Hundred and Ninety One. ("the Property")

The Parties:-

Mr Conor McConville, Flat 5/L, 84 Commercial Street, Dundee, DD1 2AP ("the Tenant")

Sale Developments Limited, Westburn House, North Dunning, Perthshire, PH2 0QY ("the Landlord")

Whereas in terms of their decision dated 14 March 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:-

The Property is wind and watertight and in all other respects fit for human habitation.

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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 repair or replace the kitchen and bedroom windows to ensure that they are wind and watertight, in a reasonable state of repair and in proper working order and open and close correctly.
2. To engage a suitably qualified contractor to investigate the extent and cause of the water ingress into the sloping ceiling and adjacent wall near to the north west dormer projection in the kitchen and to provide to the tribunal for approval a report detailing the cause of and any works required to eradicate any such ingress of water to ensure the sloping ceiling and adjacent walls are wind and watertight and in a reasonable state of repair and, following

approval of the report and works stated to be required, to execute any repairs identified as being necessary and to provide evidence thereof to the tribunal.

3. On completion of the works referred to in 2 above to provide to the tribunal written confirmation that the source of the dampness has been eradicated.

The tribunal orders that the works specified in paragraph (a) of this Order must be carried out and the specialist report referred to therein delivered to the tribunal within the period of 2 months from the date of service of this Notice.

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.

This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 14 March 2023 before this witness:-

G Buchanan