

# 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**

**Reference number: FTS/HPC/RP/22/0117**

**Title no/Sasines Description: ARG4822**

**Re: House at Flat 0/1, 67 Marine Parade, Dunoon, PA23 8HF registered in the  
Land Register of Scotland under Title Number ARG4822 (“the House”)**

**The Parties:**

**Miss Yvonne Notman, Flat 0/1, 67 Marine Parade, Dunoon, PA23 8HF (“the  
Tenant”)**

**Mrs. Marion Wedlock, Flat 12, 5 Lochinvar Drive, Edinburgh EH5 1GJ (“the  
Landlord”)**

Whereas in terms of their decision dated 20 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 2006 Act”) and in particular that the Landlord has failed to ensure that the House meets the tolerable standard under Sections 13 (1) (h) of the 2006 Act.

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

- 1) Obtain a Report from a suitably qualified damp specialist to investigate and report on the source of dampness in the bedroom of the House and submit the Report to the tribunal. The Report should include the specialist qualifications of the author, details of the proposed remedial action required to eradicate damp from the house and to meet the tolerable standard.
- 2) Complete the works identified in the Report in Part 1) above and submit to the tribunal documentation evidencing the qualifications of the contractor carrying out the work and submit an invoice for the completed work that also details all work carried out.
- 3) Obtain a Report from a suitably qualified damp specialist confirming that all works identified in the Report obtained by Part 1) have been completed and submit the Report to the tribunal.

- 4) Install sufficient equipment for detecting fire and giving warning of fire or suspected fire in line with the current Guidance issued by the Scottish Ministers in relation to same. On completion of the installation, to submit to the tribunal documentary evidence of installation and compliance.
- 5) On completion of all the above works, to restore all affected finishes and decoration.

**The tribunal order that the works specified in this Order must be carried out and completed within the period of 16 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.

In terms of Section 63 of the Act, 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 preceding page are executed by Susan Christie, legal member of the Tribunal, at Glasgow on 20 April 2022 in the presence of the undernoted witness: -

# S Christie