

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006

**Property: 97 Mid Street, Fraserburgh AB43 9JP (“the Property”/ “the house”)
Title No: ABN41901**

Chamber Reference: FTS/HPC/RT/20/0051

Parties:

**Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie AB51 3WA
 (“Third Party Applicant”)**

**Mr Artur Kilmek, sometime 97 Mid Street, Fraserburgh, Aberdeenshire AB41
9JP (“the Tenant”)**

**Mrs Gopa Soni, 20 Smiddyhill Road, Fraserburgh, Aberdeenshire AB43 9WL
 (“the Landlord”)**

**Tribunal Members - George Clark (Legal Member/Chairperson) and Angus
Anderson (Ordinary Member/Surveyor)**

Whereas in terms of their decision dated 17 March 2020, 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’), 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. In particular, the Tribunal requires the Landlord to:

1. Carry out such repairs as are necessary to ensure the front entrance door is wind and watertight and in proper working order, including replacing the external flap on the letter plate and repairing/replacing the door handle to ensure it is in proper working order.
2. Replace all rotted skirtings in the bathroom and inner hallway and the decayed timber linings around the edges of the bath, to ensure a watertight seal between the bath and the bathroom walls.
3. Replace the flooring in the kitchen.
4. Replace the missing door handles on the doors between the sitting room and the kitchen and the sitting room and the hall, so that the doors may be closed and opened properly.
5. Investigate the cause of the dampness in the walls of the living room and bedroom 2 and carry out such specialist and remedial work as is necessary to eradicate the problem and, thereafter, redecorate the affected areas.
6. Re-attach securely to the wall, the electric panel radiators in the bathroom and bedroom 1 and make good the adjacent wall finishes.

7. Replace the smoke detectors within the Property and take such steps as are necessary to ensure the provision of smoke and heat detectors complies with all necessary statutory provisions and Scottish Government Guidance Notes.
8. Take such steps as are necessary to ensure the outhouse is safe to use.
9. Clear all gutters of vegetation to ensure they are running properly.
10. Provide the Tribunal with an Electrical Installation Compliance Certificate, dated after the date of completion of the above works and showing no C1 or C2 categorised items of disrepair.

The Tribunal orders that the works required by this Order must be carried out within the period of three months from the date of service of this Order.

Right of Appeal

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, typewritten on this and the preceding page, are executed by George Barrie Clark, Chairperson of the Tribunal, at Lasswade, on 17 March 2020, before this witness, Valerie Elizabeth Jane Clark, Droman House, Lasswade.

G Clark

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..... Legal Member/Chair