

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### REPAIRING STANDARD ENFORCEMENT ORDER

**Ordered by the First-tier Tribunal for Scotland Housing and Property Chamber**

**Chamber Reference number: FTS/HPC/RP/17/0225**

**Re: Property being the northmost flat on the top floor known as Flat F, at 13 Wallfield Crescent, Aberdeen AB25 2LJ being the subjects contained in Land Certificate ABN 25315 (hereinafter referred to as "the house")**

#### The Parties:

- **Mr Matthew Buchan ("Tenant")**
- **Mrs Jennifer Alice Dowds or Paterson ("Landlord")**

#### **NOTICE TO Mrs Jennifer Alice Dowds or Paterson ("the Landlord")**

Whereas in terms of their decision dated 22 August 2017, the First-tier Tribunal ("Tribunal") 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 that the Landlord has failed to ensure that the house meets the repairing standard in that:-

- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation;
- (b) the structure and exterior of the house ( including drains, gutters and external pipes) are in a reasonable state of repairs 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 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:-

- (a) *To replace the double glazed shared window of the rear bedroom/ kitchen to ensure that it is compliant with the repairing standard.*

The Tribunal orders that the works specified in this Order must be carried out and completed within the period of 2 months from the date of service of this Notice.

### APPEAL PROVISIONS

A Landlord 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 Repairing Standard Enforcement Order ("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 the house at any time during which an 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 signed by Aileen Devanny, Legal Member, at Glasgow on Thirtieth day of August, Two Thousand and seventeen in the presence of the undernoted witness:-

WITNESS

A Devanny

JULIE BURTON

ADMINISTRATIVE OFFICER

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