

# Housing and Property Chamber First-tier Tribunal for Scotland



## REPAIRING STANDARD ENFORCEMENT ORDER

**Reference number:** FTS/HPC/RP/20/2331

**The Parties:** George Lammie, Torran, Montrose Terrace, Whiting Bay, Isle of Arran KA27 8QW ("the Landlord")

**Tribunal Members:** Karen Moore (Chairperson) and Mike Links (Ordinary Surveyor Member)

**Property:** The subjects extending to 2828 square yards together with the house known as and forming Hawthorn Cottage, West Bennan, Isle of Arran, KA27 8SJ and being the subjects of Disposition in favour of George Lammie (otherwise George Lammie Junior) and Flora Lammie recorded in the Division of the General Register of Sasines for the County of Bute on 16 December 1999 ("the Property")

### Notice to Landlord

George Lammie, Torran, Montrose Terrace, Whiting Bay, Isle of Arran KA27 8QW

Whereas in terms of its decision dated 5 October 2021, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13 (1) (a) of the Act and has failed to ensure that the Property is wind and watertight and reasonably fit for human habitation the First-tier Tribunal now requires the Landlords to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

With reference to both the recommendations contained under the "Dampness, Rot and Infestation" section of Part 2 of the Single Survey of the Home Report dated 18 September 2019 prepared by DM Hall, Chartered Surveyors and the First-tier Tribunal's Inspection Report on the Property dated 13 August 2021, the Landlord must on or before **12 November 2021** carry out all of the following:-

1. Instruct a damp proofing and timber specialist registered with the British Wood Preserving and Damp Proofing Association or similar trade organisation to carry out a full inspection of the Property with a view to identifying the extent and causes of the dampness in the Property and provide a fully documented report on their findings ("the Report"). The instruction to the specialist should include a copy of the said Home Report and the said Inspection Report;

2. Submit the Report to the Tribunal;
3. Instruct a contractor or contractors capable of providing a 10- year guarantee to carry out all works recommended by the Report and
4. Make good all décor damaged as a result of these works.

Note to Landlord:-

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding page are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 5 October 2021 before this witness, Norman William Moore, solicitor, 11, Muirfield Business Centre, South Muirhead Road, Cumbernauld, G67 1AX

*W Moore* Witness

**K Moore**