



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/22/3900

Property at 38 Princess Drive, Dyce, Aberdeen, AB21 7JY

**Land Register Title Number ABN41867
("the Property")**

The Parties:-

Mr Liam Buchan, 38 Princess Drive, Dyce, Aberdeen, AB21 7JY ("the Tenant")

**Mr Morenikeji Oni, care of 9 Keirhill Gardens, Westhill, Aberdeen AB32 6AZ
("the Landlord")**

Whereas in terms of their decision dated 31 May 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 meets the tolerable standard.

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. In the bathroom to replace the rotten wooden windowsill and wooden ingoes or jambs to each side of the window surround to ensure that they are wind and watertight and in a reasonable state of repair.
2. In the kitchen –
 - a. To replace the cupboard unit housing the kitchen sink so that it is in a reasonable state of repair and in proper working order.
 - b. To repair or replace the upstand behind the kitchen sink to ensure that it is watertight and in a reasonable state of repair.
 - c. To repair or replace the torn vinyl flooring.
 - d. To repair or replace the uneven laminate flooring.

The tribunal orders that the works specified in this Order must be carried out within the period of 4 weeks 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 31 May 2023 before this witness:-

J Lynch witness **G Buchanan** Legal Member