

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Variation of Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RT/22/1411

Title no/Sasines Description: STG60123

I Mochray Court, Dennyloanhead, Bonnybridge, FK4 1FE (“the House”)

The Parties:-

Falkirk Council, The Forum, Callendar Business Park, Falkirk, FK1 1XR (“the Third Party Applicant”)

Ms Donna Kelly, 26 Bellaville Grove, Chryston, Glasgow, G69 9JT (“the Landlord”)

Tribunal Members: Mrs N Weir, Legal Member and Mr N Allan, Ordinary Member

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) having determined on 27 March 2023 that the **Repairing Standard Enforcement Order** relative to the House dated 16 August 2022 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the Order is extended until **22 May 2023**.

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 typewritten on this and the preceding two pages are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 29 March 2023 in the presence of the undernoted witness:-

witness _____ Legal Member

_____ name in full

_____ Address
