

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/20/2403**

**Sasines Description: Subjects known as Rose Cottage, South Back road, Biggar, being back house with yard at back thereof and stable thereto belonging also the space between front and back house occupied as coalhouse, and right to space of vacant ground at west end of front house being part of houses and yard on the Burrow Land of Biggar called Jacksons or Kilnland, lying on the south side of the town of Biggar being subjects described in Notarial Instrument of Trustees of James Masterton recorded in the County of Lanark 2 October 1901**

**18 South Back Road, Biggar, South Lanarkshire ML12 6AD (“the property”)**

**Ms Yvonne McGregor, formerly residing at 18 South Back Road, Biggar, South Lanarkshire ML12 6AD (“The Tenant”)**

**Mrs Gillian McDonald, 184 High Street, Biggar, South Lanarkshire ML12 6AD (represented by Limehouse Ltd, 116 High Street, Biggar, South Lanarkshire ML12 6DH) (“The Landlord”)**

**Tribunal Members – Graham Harding (Legal Member) and Kingsley Bruce (Ordinary Member)**

Whereas in terms of their decision dated 24 June 202, 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 House is: -

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

- (i) To instruct a reputable firm of damp and timber specialists to inspect, investigate and to provide a report in relation to remedial works required to address timber defects and damp issues affecting the front left room/kitchen, the right hand/gable wall of the front right room and the window wall of the room mid left of the property and to exhibit said report to the Tribunal within a period of 30 days of the date of this order.
- (ii) To carry out such remedial works as recommended in said report and in the report prepared by Richardson & Starling dated 5 February 2021 within a period of six months from the date of service of this Notice.
- (iii) To instruct a reputable roofing contractor to inspect the gutter abutting the rear wall of the property and to provide a written report on any remedial works required to prevent water ingress and to exhibit the report to the Tribunal within 30 days of the date of this order.
- (iv) To carry out any repairs recommended by the roofing contractor within a period of six months from the date of service of this Notice.

**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 type written on this and the preceding page(s) are executed by Graham Harding, legal member of the Tribunal, at Perth on 13 July 2021 in the presence of the undernoted witness:-

**Julia Harding**

witness

**Graham Harding**

Legal Member

Name in full

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Address