

Housing and Property Chamber First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Reference number: FTS/HPC/RP/22/2925

Re: Property at 40 Crossgates, Bellshil, ML4 2EE ("the Property")

Title No: LAN16458

The Parties:

**Matthew Campbell, residing at 40 Crossgates, Bellshill, ML4 2EE ("the
Tenant")**

**Lorraine McAllister and Cory Griffin, residing at 75 Loancroft Avenue,
Baillieston, Glasgow, G69 7RN ("the Landlord")**

Tribunal Members:

**Paul Doyle (Legal Member)
Lori Charles (Ordinary Member)**

Whereas in terms of their decision dated 22 November 2022, 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, in terms of Section 13(1)(h) of the 2006 Act;

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 to

(i) Instruct a damp proofing expert or specialist to identify the cause of the damp affecting the property, and identify the repairs necessary to eradicate the damp affecting the property.

(ii) Send a copy of the damp specialist's report to the tribunal.

(iii) Carry out the damp eradication works recommended by the damp proofing expert or specialist

(iv) Carry out any necessary damp proofing works to prevent the return of damp to the property.

All within 8 weeks of service of this order.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 8 weeks from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 preceding page are executed by Paul Doyle, solicitor,