

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**

Chamber Ref: FTS/HPC/RP/17/0319

Land Register Title Number: LAN54836

4 Easdale, East Kilbride, G74 2EB ("The House")

The Parties:-

**Mr Jack Taggart and Ms. Caitlin McConnell, formerly residing at 4 Easdale,
East Kilbride, G74 2EB**

("The Tenants")

Per their Agent Mr Martin Taggart, 11 Ermelo Gardens, East Kilbride G75 9DP

**Mr Vincent Paterson, EK Business Centre, 14 Stroud Road, East Kilbride, G75
0YA; 7 Lodge Cottages, Elvanfoot, Biggar, ML12 6TQ**

("The Landlord")

Per his Agent Angel Homes, 6 Main Street, East Kilbride G74 4JH

("The Landlord's Agent")

NOTICE TO: Mr Vincent Paterson ("the Landlord")

Whereas in terms of their decision dated 13th November 2017, 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 :-

- (a) The house is wind and water tight and in all other respects reasonably for human habitation ;
- (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order ;
- (c) Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and proper working order ; and

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:-

- (a) instruct a suitably qualified Damp Proofing Specialist to investigate the cause of condensation/dampness in the House and to provide a report to the Tribunal, carry out any works recommended in the report, and provide evidence that the works have been completed satisfactorily in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation; and that the structure and exterior of the House (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order.
- (b) instruct a suitably qualified contractor to repair or replace the dishwasher located in the kitchen of the house to ensure it is in a reasonable state of repair and proper working order.

The tribunal order that the works specified in this Order must be carried out and completed within the period of eight weeks 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.

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 Morag Leck, solicitor, chairperson of the tribunal at Glasgow on 13th November '17 before this witness:-

witness

M Leck

chairperson

ABIGAIL SPOONER name in full

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