

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Repairing Standard Enforcement Order (RSEO) under section 24(2) of the Housing (Scotland) Act 2006**

**Chamber Reference FTS/HPC/RP/17/0256**

**Title: Subjects being the southmost dwellinghouse on the first floor above the ground floor of the tenement of shops and dwellinghouses forming numbers Seventy Three to Seventy Seven High Street, Lochee in the City of Dundee and County of Angus as more particularly described in Disposition by James Myers Cunningham and Sarah Cunningham to James McCash and Sarah Jane McCash dated 15 December 1988 and Registered in the General Register of Sasine on 28 December 1988 under Title Sheet AN5701 ("The House")**

**The Parties:-**

**Iain MacDonald, formerly residing at 1/L, 75 High Street, Lochee, Dundee, DD2 3AT ("The Tenant")**

**Mr James McCash, c/o Remax Lettings, Flemington Road, Glenrothes, Fife, KY7 5QF, as Executor Dative of the late Sarah McCash conform to Decree dated 1 February 2010 from Dundee Sheriff Court and Confirmation dated 18 March 2010 appended hereto, the late Sarah McCash being the survivor of her spouse James McCash ("the Landlord")**

**The Tribunal comprised of:-**

**Mrs Ruth O'Hare – Legal Member  
Mr David Godfrey – Ordinary Member**

Whereas in terms of their decision dated 17 April 2018, 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 watertight and in all respects reasonably fit 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; and
- (c) The fixtures, fittings and appliances provided by the Landlord under the tenancy are not 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 to:-

- (a) Repair the kitchen cupboard under the sink;
- (b) Repair the w.c. cistern in the bathroom to ensure it is in proper working order;
- (c) Repair the light switch in the bedroom and thereafter instruct an electrical installation condition report;
- (d) Replace or repair the front windows to ensure they are wind, watertight and in proper working order;
- (e) Carry out such repairs as are necessary to the outbuildings to the rear of the property, in particular to repair the broken window and replace the door;
- (f) Carry out such works as are necessary to clear the rhones to both the front and rear of debris and repair any leaks.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of three 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.**

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 Ruth O'Hare, Chairperson, 2 Mill O'Forest Grove, Stonehaven, AB39 2GH, chairperson of the Tribunal at Aberdeen on 17 April 2018 before this witness:-

Ruth O'Hare

witness

↙ \_\_\_\_\_ chairperson

ANNATOYE C/O ABERDEENSHIRE  
COUNCIL, WOODHILL HOUSE,  
WESTBURN RD, ABERDEEN