

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



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)

Repairing Standard Enforcement Order (“RSEO”) under section 24 (1) of the Housing (Scotland) Act 2006

Chamber reference number: FTS/HPC/RP/19/2641

Title number: DMB 31865

Re: Property at 20 Burns Court, Kirkintilloch, Glasgow, G66 2NP (“the property”)

The Parties:

Ms Caroline Ferguson, 20 Burns Court, Kirkintilloch, Glasgow, G66 2NP (“**the tenant**”) represented by Raymond Heath, East Dunbartonshire Citizens Advice Bureau, 11 Alexandra Street, Kirkintilloch, Glasgow, G66 1HB

Mr John Dickson, 24 Duntiblae Road, Kirkintilloch, Glasgow, G66 3JQ (“**the landlord**”)

Tribunal members: Simone Sweeney (legal chairing member) and Mike Links (ordinary surveyor member)

NOTICE TO

Mr John Dickson, 24 Duntiblae Road, Kirkintilloch, Glasgow, G66 3JQ (“the landlord”)

S Sweeney

Whereas in terms of their decision dated 7th November 2019 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 installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order (section 13 (1) (c))

Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order (section 13 (1) (d))

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:-

1. *Repair or replace as necessary the full window in the kitchen.*
2. *Repair or replace as necessary the light fitting at the entrance to the property.*

The Tribunal order that the works specified in this Order must be carried out and completed **within the period of 6 weeks** from the date of service of this Notice.

A landlord, tenant or third party 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 page and the preceding page are executed by Simone Sweeney, legal chairing member of the Tribunal at Glasgow on 7th November 2019 before this witness:-

S Sweeney

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Simone Sweeney, legal chairing member, 11th November 2019
B Divers

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Barry Divers, witness, 11th November 2019, 25 Bennie Place, Bearsden, Glasgow,
G61 3EG