

# 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/21/0939**

**Craig Cottage, Acoshrgan, Appin, Argyll PA38 4BB (“the property”)**

**Title no: ARG19209**

**The Parties:-**

**Mr David Racz, Unit 5-3, The Ziggurat, 60-66 Saffron Hill, London, EC1N 8QX  
 (“The Landlord”)**

**Tribunal Members – Graham Harding (Legal Member) and Sara Hesp (Ordinary  
Member)**

Whereas in terms of their decision dated 22 September 2021 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) the house is wind and watertight and in all other 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,
- (c) 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,

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:-

- (a) to complete the works to the sewage system at the property and exhibit to the Tribunal a completion certificate from Argyll and Bute Council in respect of the said works in accordance with the Building Warrant Reference Number 21/01147/DOM3;

- (b) to repair or replace the Velux windows above the kitchen and the skylight above the stairs at the property so that they are wind and watertight and in proper working order;
- (c) to repair or replace the render on the outside walls and chimneys of the property to make them watertight;
- (d) to make the left-hand chimney watertight to ensure that there is no water penetration into the living room at the property;
- (e) to install a damp-proof course at the property to prevent rising damp and exhibit to the Tribunal any specialist guarantee provided by the contractor.

The Tribunal order that the works specified in this Order must be carried out and completed within the 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 are executed by Graham Harding, legal member of the Tribunal, at Perth on 28 September 2021 in the presence of the undernoted witness:-

**G Harding**

Julie N. Harding witness

\_\_\_\_ Legal Member

JULIA HARDING name in full

46 ALMOND VIEW Address

PERTH

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