

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/21/2723

Re: Property at 5 Gigha Place, Broomlands, Irvine, Ayrshire, KA11 1DS registered in the Registers of Scotland under Title Number AYR79476 (“the Property”)

The Parties:

Ms. Susan Carruthers residing at the Property (“the Tenant”)

And

Mrs Kae McFetridge otherwise Margaret Kathleen McFetridge and Mr. Brian or Ben McFetridge otherwise Samuel Brian McFetridge care of Hovepark Lettings Ltd., 56, Hamilton Street, Saltcoats, KA21 5DS (“the Landlords”) per their agents, the said Hovepark Lettings Ltd. (“the Landlords’ Agents”)

Tribunal Members:

Karen Moore (Chairman) and Donald Wooley (Ordinary Member)

Notice to Landlords

Mrs Kae McFetridge otherwise Margaret Kathleen McFetridge and Mr. Brian or Ben McFetridge otherwise Samuel Brian McFetridge care of Hovepark Lettings Ltd., 56, Hamilton Street, Saltcoats, KA21 5DS

Whereas in terms of its decision dated 31 March 2022, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13(1)(a), 13(1) (b) and 13(1) (f) of the Act now requires the Landlords to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlords must on or before **1 May 2022** carry out all of the following:-

1. Obtain a report from a suitably qualified building contractor confirming both the extent of the defective, cracked and badly bossed rendering on the front and “gable” elevations and the condition of the roof tiles (“the Report”) and submit the Report to the Tribunal. The Report should include details of the remedial action necessary to bring the rendering and roof covering into a reasonable state of repair, proper

working order and a wind and watertight condition. Thereafter, the Landlords must ensure that all repairs and works recommended in the Report are completed and finished in accordance with the specifications as proposed in the Report.

2. Obtain a detailed report from a "timber and damp specialist", registered with the "Property Care Association", confirming the cause of the dampness and condensation within the property, specifically around the front entrance door, the kitchen, the bathroom, front bedroom and roof void ("the Dampness Report") and submit the Dampness Report to the Tribunal. The Dampness Report should include details of the remedial action necessary to address the dampness and condensation, bringing the property into a reasonable state of repair and in all respects reasonably fit for human habitation. Thereafter, the Landlords must ensure that all repairs and works recommended in the Dampness Report are completed and finished in accordance with the specifications as proposed in the Dampness Report.
3. Redecorate as necessary following completion of all repairs and works required to comply with this Order.

Note to Landlord:-

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding page are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 31 March 2022 before this witness, Norman William Moore, solicitor, 11, Muirfield Business Centre, South Muirhead Road, Cumbernauld, G67 1AX