

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/23/0558

Re: Flat 2/2, 190 Main Street, Cambuslang, Glasgow, G727EN, being the subjects registered in the Land Register of Scotland under Title Number LAN21107 ("The Property")

The Parties:-

Mr James Forrester residing Flat 2/2, 190 Main Street, Cambuslang, Glasgow, G727EN ("the Tenant")

Mr Raymond Sutton, residing at 10 Macarthur Wynd, Cambuslang, Glasgow, G727GA ("the Landlord")

Whereas in terms of their decision dated 8th August 2023, 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 structure and exterior of the house (including drains gutters and external pipes) are in a reasonable state of repair and in proper working order (as required by section 13(1)(b) of the Act)

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) Carry out investigations to establish the cause of continuing high dampness readings at ceiling level in the lounge of the Property and

to carry out any such works as may be necessary to ensure that there is no continuing water ingress at that area so that it is in a reasonable state of repair and in proper working order and

- (b) Repair the damaged plaster on the Lounge wall and ceiling so that it is in a reasonable state of repair and in proper working order

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 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 pages are executed by Andrew Cowan, legal member of the Tribunal, at Glasgow on 10th August 2023

L. A. URA CAMPBELL

Witness.

