

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/RT/19/0583

Sasines Description: The right hand or northerly house on the first floor above ground floor of tenement 25 Benvie Road, Dundee referred to in the Disposition to William Underwood, recorded GRS Angus 13 January 1977.

**Flat 1/2 25 Benvie Road, Dundee DD2 2PD
("The Property")**

The Parties:-

**Dundee City Council, Private Sector Services Unit, 3 City Square, Dundee DD1 3BA
("the Third Party Applicant")**

**Miss Elaine Clark, Flat 1/2 , 25 Benvie Road, Dundee DD2 2PD
("the Tenant")**

**Matthew Properties, Mr Melville Matthew and Mrs Margaret Matthew, Quarry Cottage, Main Street, Inchtute, Perthshire PH14 9RN
("the Landlords")**

Whereas in terms of their decision dated 17 May 2019, The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Landlords have 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 landlords have failed to ensure that:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) 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 replace the living room windows with new double glazed windows.
- (b) To repair or replace the rear bedroom window.
- (c) To exhibit a current Gas Safety Certificate in respect of the property carried out and signed by a registered Gas Safe Engineer.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 30 days from the date of service of this Notice.

A landlord, tenant or third party applicant 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 and the preceding page(s) are executed by Graham Harding, solicitor, 20 York Street Glasgow, chairperson of the tribunal at Perth on 17 May 2019 before this witness:-

A J Honeyman

G Harding

_ witness

_ Chairperson

AMANDA JANE HONEYMAN name in full

7 WHITEFRIARS CR Address

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