

# Housing and Property Chamber First-tier Tribunal for Scotland

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## **Repairing Standard Enforcement Order**

**Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)**

(Hereinafter referred to as “the tribunal”)

**Case Reference Number: FTS/HPC/RP/19/1210**

**Re: Flat 3/1, 53 Randolph Road, Glasgow G11 7JJ (“the house”)**

**Land Register Title No: GLA28793**

### **The Parties:-**

**Dr Kevin Hart, residing at the house (“the tenant”)**

**Ms Nicola Walsh and Ms Zoe Diamond, c/o Newton Letting, 87 Port Dundas Road, Glasgow G4 0HF (“the landlords”)**

**NOTICE TO: Ms Nicola Walsh and Ms Zoe Diamond (the landlords)**

Whereas in terms of its decision dated 28 June 2019, the tribunal determined that the landlords had failed to comply with the duty imposed on them by Section 14 (1) (b) of the Act, and in particular that the landlords have failed to ensure that the house meets the repairing standard in that the house is not wind and watertight and the structure and exterior of the house are not in a reasonable state of repair and in proper working order.

The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The tribunal now requires the landlords to carry out such work as is necessary for the purpose of ensuring that the house meets the repairing standard, and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular, the tribunal requires the landlords to:

1. Ensure that any necessary works are carried out to the common stair walls to ensure that they are wind and watertight and in a reasonable state of repair and in proper and safe working order.
2. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal orders that the works specified in this order must be carried out and completed within the period of **three months** from the date of service of this notice.

### Rights of Appeal

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.

**Please note that in terms of section 28(1) of the Housing (Scotland) Act 2006, 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 typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twenty-eighth day of June, Two Thousand and Nineteen before this witness –

Sarah O'Neill

Shannon Dunn witness \_\_\_\_\_ Chairperson

Shannon Dunn name in full

20 York Street address

Glasgow, G2 8AT