

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/22/4483

**Flat 13, Fife House, Low Street, Banff, AB45 1AB, registered in the name of the
Landlord in the Land Register on 21 June 2004 under Title Number BNF1579
("the Property")**

The Parties:-

Melanie and Jacob Miles, formerly residing at the Property ("the Tenant")

**Aberdeenshire Council, Housing and Building Standards, Gordon House,
Blackhall Road, Inverurie, AB51 3WA
("the Third Party Applicant")**

and

**Mr Michael Glyn Rowberry, 69 Comer Road, St Johns, Worcester, WR2 5HY
("the Landlord")**

The Tribunal

**Mr Maurice O'Carroll (Legal Member and Chair)
Mr Andrew Murray (Ordinary Member) (Surveyor)**

Whereas in terms of their decision dated 20 July 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 installations in the Property for space heating are in a reasonable state of repair and in proper working order (section 13(1)(c) of the Act),

the Tribunal now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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 works to fit the Property with fixed heating installations in a reasonable state of repair and in proper working order so as to ensure that the Property has adequate space heating in all principal rooms.

The Tribunal order that the works specified in this Order must be carried out and completed by **8 September 2023**.

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 are executed by Maurice O'Carroll, Legal Member of the Tribunal, at Edinburgh on 24 July 2023 before this witness:-

M O'Carroll

Legal Member

E Caskie-Potter

witness

Emma Caskie-Potter, Advocates' clerk

Parliament House

Edinburgh EH1 1RF