

Housing and Property Chamber First-tier Tribunal for Scotland



VARIATION OF 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:

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 28 September 2022, the First-tier Tribunal for Scotland determined in terms of Section 25 of the Housing (Scotland) Act 2006 to allow further time to comply with the Repairing Standard Enforcement Order (the RSEO) now varies the RSEO as follows:-

The period for compliance with the RSEO is extended to **15 November 2022**.

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 28 September 2022 before this witness, Norman William Moore. solicitor.