

# Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Variation of Repairing Standard Enforcement Order (RSEO): Housing  
(Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RP/22/1817

Title no: ANG6260

Property at 76 High Street, Carnoustie, Angus DD7 6AH ("The Property")

The Parties:-

- Ms Laura McDonald, 76 High Street, Carnoustie, Angus DD7 6AH ("the Tenant")
- Ms Cheryl Armit, 5 Beldavia Court, Pope Street, Altofts, Wakefield, West Yorkshire WF6 2 RL ("the Landlord")

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member  
Mr David Godfrey - Ordinary Member

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") having determined on 28<sup>th</sup> August 2022 that the **RSEO** relative to the House should be varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for 3 months from the date of service of this variation. This is to allow the sale of the Property to proceed.

**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 Gabrielle Miller, Chair and Legal Member of the Tribunal at Glasgow on 6<sup>th</sup> February 2023 in the presence of the undernoted witness: -