

Housing and Property Chamber First-tier Tribunal for Scotland



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/19/3893

Re: Flat 0/1, 22 Seedhill Road, Paisley PA1 1RU (“the house”)

Land Register Title No: REN15462

The Parties:-

Ms Lesley Edgar, residing at the house (“the tenant”)

Mrs Mandy Thomson, Festival Business Park, 150 Brand Street, Glasgow G51 1DH (“the landlord”)

NOTICE TO: Mrs Mandy Thomson (the landlord)

Whereas in terms of its decision dated 5 August 2021, the tribunal determined that the landlord had failed to comply with the duty imposed on her by Section 14 (1) (b) of the Act, and in particular that the landlord has failed to ensure that the house meets the repairing standard in that the house is not wind and watertight and in all other respects reasonable fit for human habitation

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

The tribunal now requires the landlord 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 landlord to:

1. Instruct a suitably qualified specialist surveyor to produce a dampness report in respect of the house, including investigation of any issues contributing to the

rising and /or penetrating damp which may have originated from the flat above or elsewhere within the tenement building. The report should detail any remedial works required in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.

2. Send to the tribunal, for approval, the specialist dampness report required at 1) above.
3. Once a satisfactory report, and the works specified within it, have been approved by the tribunal, to instruct the specialist surveyor to carry out the works recommended in the report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation
4. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal orders that all of the works specified in this order must be carried out and completed within the period of **two 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 fifth day of August, Two Thousand and Twenty-One before this witness –

E Johnstone

_____ witness

S O'Neill

Chairperson

ERIC JOHNSTONE name in full

50 LAURENCE address

GARDENS GLASGOW G12 9QT