

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/RP/21/2225

Title no: LAN176957

2 Cumbrae Drive, Motherwell ML1 3LG ("The Property")

The Parties:-

Miss Alana Watson, residing at 2 Cumbrae Drive, Motherwell ML1 3LG ("the Tenant")

Mr Paul Gordon and Ms Lynne Jenkinson, 137 Glencoe, Whitburn, Bathgate EH47 8AS ("the Landlords")

Tribunal Members: Richard Mill (Legal Member) and Sara Hesp (Ordinary Member)

**NOTICE TO MR PAUL GORDON and MS LYNNE JENKINSON, residing at
137 Glencoe, Whitburn, Bathgate EH47 8AS ("the Landlords")**

Whereas in terms of their decision of even date the Tribunal determined that the Landlords have 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 Landlords have failed to ensure that:-

- Whether the house is wind and watertight and in all other respects reasonably fit for human habitation.
- Whether the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.

The Tribunal now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the property concerned 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 Landlords:-

1. To instruct a specialist survey in respect of the high levels of damp found in the living room of the property, to produce a written report in

respect of same and, if necessary, to carry out works recommended, including redecoration.

2. To repair the plumbing, tiles, grouting and silicone, in the shower cubicle in the bathroom; or alternatively replace same.
3. To redecorate the kitchen ceiling.

The Tribunal orders that the works specified in this Order must be carried out and completed within the period of 12 weeks from the date of service of this Notice and evidenced to the Tribunal.

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 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(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the tribunal at Edinburgh on 2 December 2021 before this witness:-

R Mill

_____ Legal Member

_____

Witness

CATHERINE MCNAUGHT Name

69-71 DALRY ROAD Address

EDINBURGH

EH11 2AA