

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/16/1024

**Property at South Culsh Farm, New Deer, Turriff, AB53 6TR
Land Register Title No. ABN90308
("The Property")**

The Parties:-

**ABERDEENSHIRE COUNCIL, Gordon House, Blackhall Road, Inverurie, AB51 3WT
("the Third Party Applicant")**

**MS MICHELLE CROWLEY, South Culsh Far, New Deer, Turriff, AB53 6TR
("the Former Tenant")**

**MR ALASDAIR JAMES KINDNESS, Blackhouse, Methlick, Ellon, AB41 7DD
("the Landlord")**

Whereas in terms of their decision dated 7 March 2017, 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:-

- (a) The Property is wind and water tight and in all other respects reasonably fit for human habitation.
- (b) The structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- (c) The installations in the Property 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.
- (d) The Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire; and
- (e) The Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

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:-

- (a) To install sufficient smoke alarms and heat detectors that are mains wired and interlinked and otherwise comply with the requirements of the relevant fire legislation;
- (b) To install a carbon monoxide detector in the living room to comply with the requirements of the relevant legislation;
- (c) To repair or replace the bathroom window, east and west facing kitchen windows, pantry window, first floor windows in each of the bedrooms and the window in the loft over the kitchen to ensure that the windows are in a reasonable state of repair and in proper working order, are watertight and capable of being opened and closed properly;
- (d) To investigate the cause of the dampness in the wall linings and skirtings adjacent to the front hall timber replacement door and the kitchen PVC replacement door and to repair as necessary to ensure that all dampness is eradicated;
- (e) To repair or replace the gutters and downpipes to ensure that they are in a reasonable state of repair and in proper working order and to investigate and eradicate the dampness in the living room associated with water ingress therefrom and thereafter to redecorate the living room;
- (f) To instruct a suitably qualified electrician to inspect, test and thereafter repair, renew or upgrade the electrical installation to ensure that it is in satisfactory condition and safe to use. The landlord is to exhibit an Electrical Installation Condition Report to the tribunal in which the overall assessment of the installation is described as satisfactory.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of 3 months from the date of service of this Notice.

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 two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 1 Atlantic Quay, 45 Robertson Street, Glasgow, G2 8JB, Chairperson of the tribunal at Dundee on 7 March 2017 before this witness:-

J Lynch

G Buchanan

_____ witness

_____ Chairperson

JENNIFER LYNCH

_____ name in full

YO THORNTONS LAW LLP
WHITEHALL HOUSE

_____ Address

33 YOAMAN SHORE

DUNDEE

DD1 4BJ

