

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)

Chamber Ref: FTS/HPC/RP/23/3431

12 Iris Court, Ayr, KA7 3XQ being the subjects registered in the Land Register of Scotland under Title Number AYR16100 ("the Property")

The Parties:-

David Marshall and Lynsey Stafford residing at 12 Iris Court, Ayr, KA7 3XQ ("The Tenants")

Gerard Tierney ('The Tenants' Representative')

Euan Blaikie residing at 43 Ardlochan Road, Maidens, KA26 9NS ("The Landlord")

Norman Fraser, Solicitor ('The Landlord's Representative')

Tribunal Members:

J. Taylor (Chairman) and D. Wooley (Ordinary Member)

NOTICE TO The said Euan Blaikie

Whereas in terms of their decision 12 December 2023 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 and in particular the Landlord has failed to ensure that the Property not wind and watertight and in all other respects reasonably fit for habitation and 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.

The Tribunal now requires the Landlords 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 Landlords to:

1. Repair the patch repair to the kitchen ceiling to render it in a reasonable state of repair.
2. Repair the rear external door (kitchen) to render it wind and water tight.

3. Repair the front and rear external doors by properly installing the missing 'keepers' to render them in proper working order.
4. Repair the defective handle of the kitchen window to render it in proper working order.
5. Supply a window key for the handles of the kitchen window.

The Tribunal orders that these works must be carried out and completed by **29th February 2024**

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.

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 and landlord's successor in title) 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 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 subscribed at Hamilton on 12 December 2023 by
 J: Taylor, chairperson of the Tribunal, in the presence of the witness SI Graham, ~ " ~ "

Signed.....

Chairperson

.....witness

