

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/23/3454

Property: 105 Mary Street, Laurieston, Falkirk FK2 9PR ('The House')

Title reference: STG5877

The Parties: -

**Arfan Ahmed, L&T Dental Group, c/o Property 4 U, 434 Cathcart Road,
Glasgow G42 7BZ ('the landlord')**

**Mutiu Abdussalam, formerly of 105 Mary Street, Laurieston, Falkirk FK2 9PR
("the tenant")**

**Falkirk Council, Private Sector Team, The Forum, Suite 2, Callendar Business
Park, Falkirk FK1 1XR ("the third party")**

Whereas in terms of their decision dated 30th January 2024, 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:-

- **the house is wind and water tight and in all other respects reasonably fit for human habitation,**
- **the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,**

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 landlord to:-

1. Carry out repairs as are necessary to the property to ensure that the front bedroom in the property is not affected by penetrating dampness and is watertight

The Tribunal order that the works specified in this Order must be carried out and completed within the period of three calendar months from the date of service of this Notice.

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 page(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on 30th January 2024 in the presence of the undernoted witness:-

Norman Ferguson

Mary-Claire Kelly

_____ witness

_____ Legal Member

NORMAN FERGUSON