

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**

Reference number: FTS/HPC/RP/23/2895

Re: Property at 7 Old Schoolhouse Lane, Houston, PA6 7JB("the Property")

Title Number: REN737600

The Parties:

**Sheila Hickinbottom, residing at 7 Old Schoolhouse Lane, Houston, PA6 7JB
("The applicant")**

**Thomas Stewart, residing at Welling Farm, Kilallan Road, Houston, PA 6 7HQ,
Ms Lorna Carruth, residing at Heathfield, Horsewood Road, Bridge of Weir,
PA11 3AU, and Ms Irene Stewart, residing at Upper Side, Temple, Gorebridge,
Midlothian
("the Landlord")**

Tribunal Members:

**Paul Doyle (Legal Member)
Nick Allan (Surveyor Member)**

Whereas in terms of their decision dated 5 April 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:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation in terms of Section 13(1)(a) of the 2006 Act;
- (b) The structure and exterior of the house (including drains, gutters and external pipes) is in a reasonable state of repair and in proper working order in terms of Section 13(1)(b) of the 2006 Act;
- (c) 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 are in proper working order in terms of Section 13(1)(c) of the 2006 Act;

- (d) The fixtures and fittings provided by the respondent under the tenancy are in a reasonable state of repair and are in proper working order in terms of Section 13(1)(d) of the 2006 Act;

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. (i) Instruct a suitably qualified damp specialist to prepare a survey report detailing the cause and full extent of the damp affecting the property together with a proposed specification outlining all necessary remedial action.

(ii) Submit that report to the Tribunal for further consideration and thereafter carry out all works then required by the Tribunal as are necessary to eradicate the damp from the property to ensure that the property meets the Repairing Standard.
2. Repair or replace all and any defective window seals throughout the property.
3. Repair or replace the broken balustrade surrounding the decking in the rear garden.
4. Provide the Tribunal with a current Gas Safety Certificate.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of 42 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 are executed by Paul Doyle, legal member of the tribunal, 20 York St, Glasgow G2 8GT, at Edinburgh on 5 April 2024 before E Doyle 20 York St. Glasgow G2 8GT
E Doyle P Doyle

witness

chairperson