

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

Chamber Ref: FTS/HPC/RP/23/4505

Title No: ANG22725

**24 Ground Left, West Street, Dundee DD3 6SB
("The Property")**

The Parties:-

**Mr Nicholas Kerry, 24 Ground Left, West Street, Dundee DD3 6SB
("the Tenant")**

**Area Estates Limited, C/O Hamways Ltd, 104 Station Road East, Oxted, Surrey
RH8 0QB
("the Landlords") represented by Pavillion Properties, 86 Bell Street, Dundee
DD1 1HN**

Whereas in terms of their decision dated 3 May 2024 The First-tier Tribunal for Scotland (Housing and Property Chamber) ('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:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation; and
- (b) 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;

the Tribunal now requires the landlords 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:-

- (a) To instruct reputable contractors to identify all sources of ongoing water ingress at the property and carry out all necessary repairs and reinstate and redecorate all affected fabric.

- (b) to ensure the electrical installations at the property are in compliance with the current requirements of the repairing standard and provide the Tribunal with a current Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT and containing no category 1 or 2 defects..

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 30 days from the date of service of this Notice.

A landlord or tenant 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(s) are executed by Graham Harding, Chairperson of the tribunal, 20 York Street Glasgow, at Perth on 17 May 2024 before this witness:-

G Harding