

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)

Chamber Ref: FTS/HPC/RT/24/0237

Re: Property at 7/1 High Street, Hawick TD9 9BZ (registered under title number ROX15601) ("Property")

The Parties:

Dawn Berry, 7/1 High Street, Hawick TD9 9BZ ("Tenant")

Gary Cairns, Kinninghalldell, Cavers, Hawick, Roxburghshire TD9 8LH ("Landlord")

Dr Anca Carrington, Flat 71, Flaxman Court, Flaxman Terrace, London WC1H 9AN ("Landlord's Representative")

Tribunal Members:

Joan Devine (Legal Member); Greig Adams (Ordinary Surveyor Member)

NOTICE TO: Gary Cairns ("the Landlord")

Whereas in terms of its decision dated 8 May 2024, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard.

The Tribunal now requires the Landlord to carry out such works as are necessary for the purpose 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 before the date specified in this order.

In particular the Tribunal requires the Landlord to :

- 1. Replace or repair the strip light in the kitchen.**
- 2. Install a carbon monoxide detector in the kitchen to ensure there is satisfactory provision for giving warning if carbon monoxide is present in the Property in a concentration that is hazardous to health**

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 4 weeks 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 are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 21 May 2024 in the presence of this witness

J Devine

J Buchanan