

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/24/0602

46 Glencairn Street, Stevenston, KA20 3BY being the subjects registered in the Land Register of Scotland under Title number AYR42956 (“the Property”)

The Parties:-

Ian McDonagh residing at 46 Glencairn Street, Stevenston, KA20 3BY (“The Tenant”)

Mrs Andrea Gibson, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, KA22 8DG (“The Tenant’s Representative”)

William Higgings residing at 1C Morrishill Drive, Beith, KA15 1LS (“The Landlord”)

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

NOTICE TO William Higgings

Whereas in terms of their decision dated 7th August 2024 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 any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and proper working order.

The Tribunal now requires the Landlord 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 Landlord to:

1. Repair or replace the damaged beading in the hall.
2. Repair the damaged plasterwork in the hall and redecorate as necessary.

The Tribunal orders that these works must be carried out and completed by 30th October 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 Glasgow on 8th August 2024 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Martin McAllister, 20 York Street, Glasgow.

Jacqui Taylor

Signed...

Chairperson

Martin McAllister

Witness