

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/RP/24/2549

Sasines Description: Wee Glen, Skyreburn, Gatehouse of Fleet, DG7 2HG being part of the subjects recorded in the General Register of Sasines for the County of Kirkcudbright in the Disposition by Trustees under the Deed of Trust by Claude Langrish Faber proprietor of the lands and farm of Glen extending to 1727 acres in the Parishes of Kirkmabreck and Anwoth referred to in the Disposition to James Robertson Robertson and another recorded 15 August 1960 (under exception of subjects in Disposition to Audrey Mildred Falkner or Surtees recorded 16 September 1965) ("the Property")

**Wee Glen, Skyreburn, Gatehouse of Fleet, DG7 2HG
("the House")**

The Parties:-

Dumfries and Galloway Council, Housing and Licensing Standard, Militia House, English Street, Dumfries, DG1 2HR ("Third Party and Applicant")

Doreen Parkin residing at Wee Glen, Skyreburn, Gatehouse of Fleet, DG7 2HG and Sarah Wilson, residing at 5 Frensham Drive, Castleford, West Yorkshire, WF10 3RQ Attorney for Doreen Parkin ("The Tenant")

C L Faber Trust, Upton Wold Farm, Moreton-in-Marsh, Gloucestershire, GL56 9TR ("The Landlord and Respondent")

Whereas in terms of their decision dated 16 October 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:-

(a) in respect of sections 13(1) (a), (b) and (h) of the 2006 Act as amended;

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:-

1. Produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category.
2. Provide the Tribunal with independent report from a suitably qualified professional organisation certifying that the private water supply serving the property is an adequate piped supply of wholesome water and complies with current statutory regulations relating to the supply of private water to domestic property as contained in the Private Water Supplies (Scotland) Regulations 2006 (as amended).
3. Employ a suitably qualified building contractor to investigate the source of the water ingress at the utility room ceiling and to prepare a report confirming the outcome of that investigation; submit that report to the Tribunal for consideration and approval; and thereafter complete all repairs and redecoration, all as determined by the tribunal to be necessary.
4. Renew, replace or repair all loose slipped and missing roof slates and clear the roof valley gutters of all moss vegetation and other debris ensuring that the property is wind and watertight and in all other respects reasonably fit for human habitation
5. Repair or renew all areas of rotted or defective timber at the utility room, bathroom, living room and kitchen windows ensuring that they are all in a reasonable state of repair and in proper working order.
6. Clear all moss vegetation and other debris from the utility room window at the rear of the property.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 12 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 2 pages are executed by Melanie Barbour, legal member of the Tribunal, at _____ on 29 October 2024 in the presence of the undernoted witness:-

Susan Kennedy

Melanie Barbour

witness

Legal Member

name in full

C/o 20 YORK STREET Address

GLASGOW

G2 8GT