

**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/24/1314**

**Land Register Title Number: ANG38685**

**Property at 45 High Street, Montrose, DD10 8LR  
 ("the Property")**

**The Parties:-**

**Mrs Svetlana Strode, formerly 45 High Street, Montrose, DD10 8LR ("the Former  
 Tenant")**

**Mr Alan Bruce, 144 East Woodmains Road, Glasgow, G76 7HF ("the Landlord")**

**Tribunal Members – Gillian Buchanan (Legal Member) and David Godfrey (Ordinary  
 Member)**

Whereas in terms of their decision dated 24 March 2025, 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.
- (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- (c) The installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.
- (d) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- (e) The house meets the tolerable standard, in particular:-
  - i. It is substantially free from rising or penetrating damp;
  - ii. It has satisfactory thermal insulation; and

- iii. It is structurally stable.

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:-

- i. To instruct a suitably qualified roofing contractor (a) to carry out an inspection of the roof of the Property and (b) to provide a written report on whether the roof is wind and watertight and in a reasonable state of repair with no water ingress into the Property and, where needed, including full details of all works considered by the contractor as being necessary to ensure that the Property is wind and watertight and in a reasonable state of repair with no water ingress.
- ii. To instruct a suitably qualified damp specialist to (a) carry out an inspection of the Property and (b) to provide a written report on whether the Property is substantially free of rising or penetrating or other form of dampness such that it is on is reasonably fit for human habitation and meets the tolerable standard and, where needed, including full details of all works considered by the contractor as being necessary to ensure that the Property is substantially free of rising or penetrating or other form of dampness such that it is on is reasonably fit for human habitation and meets the tolerable standard.
- iii. To instruct a suitably qualified building contractor (a) to carry out an inspection of the Property and (b) to provide a written report on whether –
  - the floors throughout the Property are level and in a reasonable state of repair and meet the tolerable standard;
  - the windows within the Property are in a reasonable state of repair and in proper working order such that they open, close and lock correctly;
  - the steps serving the Property are in a reasonable state of repair and in proper working order;

and, where needed, including full details of all works considered by the contractor as being necessary to ensure that the floors throughout the Property are level and in a reasonable state of repair and meet the tolerable standard, the windows within the Property are in a reasonable state of repair and in proper working order such that they open, close and lock correctly and the steps serving the Property are in a reasonable state of repair and in proper working order.

- iv. To instruct a suitably qualified surveyor (a) to carry out an inspection of the Property and (b) to provide a written report on whether the Property has adequate thermal insulation and meets the tolerable standard including full details of all works considered by the contractor as being necessary to ensure that the Property has adequate thermal insulation and meets the tolerable standard.
- v. To instruct a suitably qualified plumbing contractor (a) to carry out an inspection of the Property and (b) to provide a written report on whether the installations within the Property for the supply of water and sanitation, and for heating water, drainage and disposal of foul and surface water area in a reasonable state or repair and in proper

working order and, where needed, including full details of all works considered by the contractor as being necessary to ensure that the installations within the Property for the supply of water and sanitation, and for heating water, drainage and disposal of foul and surface water area in a reasonable state or repair and in proper working order.

- vi. To produce to the tribunal the reports referred to in i. to v. above for consideration and approval of any works identified as being required.
- vii. Following approval by the tribunal in terms of paragraph vi. above to arrange for the approved works to be executed and following the execution of the approved works, to provide evidence thereof to the tribunal.
- viii. To carry out any and all making good and decoration associated with the approved works.

The tribunal orders that the works specified in this Order must be carried out within the period of three months from the date of service of this Notice.

**In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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 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 two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 24 March 2025 before this witness:-

# G Buchanan