

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

Case Reference FTS/HPC/RP/21/0710

Miss Emma Mulgrew and Mr Callum Miller, Flat 102, 5 Elfin Square, Edinburgh, EH11 3BF (“the Tenants”)

Spindlehawk Ltd, a company incorporated under the Companies Acts and having its registered office at 3rd Floor, Building 2, Universal Square, Manchester, M12 6JH (“the Landlord”)

Flat 102, 5 Elfin Square, Edinburgh, EH11 3BF registered in the Land Register under Title Number MID214715 (“the Property”).

Tribunal Members: Martin McAllister, Solicitor, (Legal Member) and Andrew Murray, Chartered Surveyor, (Ordinary Member)

NOTICE TO

Spindlehawk Limited

Whereas in terms of their decision dated 18th June 2021, 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 and, in particular, that the Landlord has failed, in terms of Section 13 of the said Act to demonstrate that the house is wind and water tight and in all other respects reasonably fit for human habitation and that 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, the tribunal now makes a repairing standard enforcement order (RSEO) in the following terms:

The Landlord is to rectify the water ingress to the living room of the Property, make good any damage caused to the ceiling, wall, floor and floor covering and reinstate the décor.

The works require to be completed by 30th September 2021.

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 2006 Act.

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.

In witness whereof these presents typewritten on this and the preceding page are executed by Martin Joseph McAllister, solicitor, legal member of the First-tier Tribunal for Scotland at West Kilbride on 21st June 2021 before Barbara Jane Black, Solicitor, 51 Hamilton Street, Saltcoats

M J McAllister

B J Black

