

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

Chamber Ref: FTS/HPC/RP/21/3063

Sasine Description: ALL and WHOLE part of the Lot of Ground with houses 22, 24, 26 and 28 India Lane and 31, 33 and 35 India Street, Montrose being the subjects more particularly described in the Disposition by Elizabeth Ferrier in favour of Elizabeth Orr Petrie recorded GRS for the County of Forfar 15 May 1974.

**33 India Street, Montrose, Angus DD10 8PQ
("The Property")**

The Parties:-

**Mr Rodger Dolan, 33 India Street, Montrose, Angus DD10 8PQ
("the Tenant")**

**Mrs Elizabeth Petrie Swankie, the Homestead, 10 Bents Road, Montrose,
Angus DD10 8QA
("the Landlord")**

**Tribunal Members
Graham Harding (Legal Member)
Angus Anderson (Ordinary Member)**

Whereas in terms of their decision dated 21 April 2022 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) That the house was wind and watertight and in all other respects reasonably fit for human habitation

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:-

- (i) To carry out the internal works to the front bedroom as identified in the Schedule of Works contained within the report by Richardson and Starling dated 25th March 2022, as submitted to the Tribunal, to ensure the property is wind and watertight and in all other respects reasonably fit for human habitation.
- (ii) To redecorate as necessary

The Tribunal order that the works specified in this Order must be carried out and completed within the period of six weeks from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 preceding page(s) are executed by Graham Harding, solicitor, 20 York Street Glasgow, chairperson of the tribunal at Perth on 21 April 2022 before this witness:-