

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

REPAIRING STANDARD ENFORCEMENT ORDER Ordered by the Tribunal

RE: All and Whole the dwelling house known as 29H Union Place, Dundee DD2 1AB registered in the Land Register and having Title No ANG8227 (hereinafter referred to as "the House")

The Parties:

Phillip Edge and John Edge 29H Union Place, Dundee DD2 1AB ("the Tenant")

Sean Gordon Lewis trading as Sean Lewis Properties, 171 Perth Road, Dundee DD2 1AS ("the Landlord")

Chamber Ref: FTS/HPC/RP/22/0694

NOTICE TO SEAN GORDON LEWIS t/a SEAN LEWIS PROPERTIES

WHEREAS in terms of their decision dated 16 June 2022 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 to ensure that the House meets the repairing standard in that:

"(a) the house is wind and water tight and in all other respects reasonably fit for human habitation...

...(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."

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 Replace or repair all windows in the House such that they are capable of being open and closed as intended; have working, unbroken handles; and are draught proof.
- 2 Put the exterior rainwater goods into working order such that they are fixed to the building, not leaking and are running freely.
- 3 Repair the wall between the kitchen and rear bedroom such that it is free of dampness.
- 4 Remove all mould and damp stains and redecorate all affected areas.
- 5 Ensure that there is a properly working extractor fan in the bathroom.

The Tribunal orders that the works specified in this Order must be carried out and completed within 42 days 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 the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the 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 signed by John Miller McHugh, Chairperson of the Tribunal at Edinburgh on the Sixteenth day of June Two Thousand and Twenty Two in the presence of the undernoted witness: