

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/22/4474

Re: Property at 41, Woodcroft Avenue, Largs, North Ayrshire, KA30 9EW registered in the Land Register for Scotland under Title Number AYR15648 ("the Property")

#### Parties:

Ms. Susan Thomson residing at the Property ("the Tenant") per her agent, Mr. Alister Meek, CHAP, Michael Lynch Centre, 71, Princes Street, Ardrossan, North Ayrshire, KA22 8DG ("the Tenant's Agent")

Mr. Bob otherwise Robert James Whitney residing at 63 Ritchie Street, West Kilbride, North Ayrshire, KA23 9HF ("the Landlord") per his agents Ayrshire Letting and Sales Ltd., 26 Ritchie Street, West Kilbride, North Ayrshire, KA23 9AL ("the Landlord's Agents")

#### Tribunal Members:

Karen Moore (Chairman) and Carol Jones (Ordinary Member)

#### Notice to Landlord

Mr. Bob otherwise Robert James Whitney residing at 63 Ritchie Street, West Kilbride, North Ayrshire, KA23 9HF

Whereas in terms of its decision dated 25 April 2023, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13 (1) (a) of the Act the First-tier Tribunal now requires the Landlords to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before **30 June 2023** carry out all of the following:-

1. Instruct a suitably qualified drainage engineer to carry out a full inspection of the garden area to the rear of the Property and the land drains therein with a view to identifying the extent and causes of the excess water in that area and flooding to the adjacent paved garden area, provide a report to the Tribunal and the Tenant on the findings and carry out any recommended works to

remedy the drainage issues ("the Drainage Report").

2. Repair or replace the defective handle on the rear bedroom window to ensure that the window closes properly and
3. Repair or replace the defective handle on the porch/vestibule door to ensure that the door closes properly.

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.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by **K Moore**, Chairperson of the tribunal, at Glasgow on 25 April 2023 before this witness, **N W Moore**, solicitor,