

Housing and Property Chamber
First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 24

Reference Number: FTS/HPC/RP/19/2312

RE: Property known as ALL and WHOLE the subjects known as and forming 14 Stoneybank Crescent, Musselburgh being the southwestmost house on the ground floor of the block 10, 12, 14 and 16 Stoneybank Crescent, Musselburgh and being part of the subjects referred to in Feu Charter by the Trustees of The Earl of Wemyss and March with consent thereinmentioned in favour of the Provost, Magistrates and Councillors of the Burgh of Musselburgh dated Second February and subsequent dates and recorded in the Division of the General Register of Sasines applicable to County of Edinburgh (now Midlothian) on First March all in the year Nineteen Hundred and Twenty Eight.

(hereinafter referred to as “the Property”).

The Parties:-

Jeanann Jordan, 14 Stoneybank Crescent, Musselburgh East Lothian EH21 6HP

(“the Tenant”)

And

June Beddard, 259 Ryfields Village, Arena Gardens, Warrington WA2 7GA

(“the Landlord”)

NOTICE TO

June Beddard, 259 Ryfields Village, Arena Gardens, Warrington WA2 7GA

(“the Landlord”)

Whereas in terms of their decision dated 19 November 2019, the First-tier 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 the Property has satisfactory provision for detecting fires and for giving warning of fire or suspected fire and that the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The First-tier 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 under section 13(1) of the Act and that any damage caused by carrying out of any work required under this Order is made good.

In particular, the First-tier Tribunal requires the Landlord:-

- 1) To repair or replace the current battery powered Fire Detection system with one that meets current legislative requirements.
- 2) To ensure that a Carbon monoxide detector is fitted to the Property that meets current legislative requirements.

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

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 of 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 Repairing Standard Enforcement Order (RSEO) commits an

offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (including any successor in title) also commits an offence if he or she or they enter into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to a house. This is in terms of Section 28(5) of the Act.

IN WITNESS HEREOF, these presents typewritten on this page and the preceding page are executed by Rory A. B. Cowan, Legal Member of the First-tier Tribunal: Housing and Property Chamber at Glasgow on 22 November 2019 before this witness:

Signed
R Cowan

Date: 22 November 2019

Rory A. B. Cowan
E Matheson

..... Witness Date: 22 November 2019

EUPHEMIA MATHESON Name of Witness

CO/BKF & Co Solicitors, 16

ROYAL EXCHANGE SQ. Address of Witness

GLASGOW, G1 3AG