

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**PROPERTY: 24 Park Crescent, Strathaven, ML10 6NH; Title Number LAN78425**

**Case Reference: FTS/HPC/RT/19/3549**

### **PARTIES:**

**Mr Martin Bradbury and Mrs Wendy Bradbury, residing at 24 Park Crescent, Aforesaid ("the tenants")**

**South Lanarkshire Council, Housing Department, Council Offices, Civic Centre, East Kilbride G74 1AB ("the third party")**

**Mr Scott Brownlie, care of Daniel Brownlie, The Loudoun Hill Inn, Strathven Road, Darvel KA17 0LY ("the landlord")**

### **The Tribunal:**

**David M Preston (Chairman) and Mrs Sara Hesp, Surveyor (Ordinary Member) ("the tribunal")**

Whereas in terms of their decision of today's date 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") the tribunal 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.

The tribunal requires the landlord:

- To repair or replace the conservatory to the rear of the property so as to ensure that it is wind and watertight.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of three months from the date of service of this Notice.

**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 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: IN WITNESS WHEREOF these presents, typewritten on this and the preceding two pages are subscribed as follows:**

D Preston

J Scott

Glasgow

Chairing Member

Witness signature

Place of signing

JAEON SCOTT

Witness full name

30/1/2020

Date of signing

Witness Address