

# 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,  
Section 24**

**Chamber Ref: FTS/HPC/RP/19/4033**

**Property at 118 Arnage Drive, Aberdeen, AB16 6UR  
Land Register Title No. ABN37867  
("The Property")**

#### **The Parties:-**

**Miss Bridget Fitzpatrick & Mr Amon Rukavina, 118 Arnage Drive, Aberdeen, AB16 6UR  
("the Tenants")  
(Represented by Miss Natasha Crowe, 41 Stocket Parade, Aberdeen, AB16 5QN)**

**Mr Lukasz Jaskowiak, 4116 North Leith Mill, Edinburgh, EH6 6JY  
("the Landlord")  
(Represented by Miss Sharon Love, 4/16 North Leith Mill, Edinburgh, EH6 6JY)**

Whereas in terms of their decision dated                      March 2020, 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) The structure and exterior of the house (including drains, gutters and external pipes) 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 Property 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:-

- (a) To deliver to the tribunal, for approval, a specialist report from a suitably qualified surveyor which (i) addresses the location and construction detail of the garage of the Property, (ii) comments on whether the garage is wind and watertight and in a reasonable state of repair and proper working order and, (iii) if not wind and watertight and not in a reasonable state of repair and not in proper working order, narrates the works required to put it into that state.
- (b) Once a satisfactory report conforming to the terms of paragraph (a) above has been approved by the tribunal, to carry out such work as is recommended in terms of the report provided the tribunal first confirms its approval of the works specified.

The tribunal orders that the works specified in paragraph (a) of this Order must be carried out and the specialist report referred to therein delivered to the tribunal within the period of 4 weeks from the date of service of this Notice.

**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.

**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 two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Chairperson of the tribunal at Dundee on 17 March 2020 before this witness:-

J Lynch

G Buchanan

\_\_\_\_\_ witness

Legal Member

JENNIFER LYNCH  
THORNTONS LAW LLP  
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\_\_\_\_\_ name in full

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