

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/RT/22/0870

37 Main Road, Collin, DG1 4JL being part of the subjects described in the Disposition by James Francis Mundell Mundell in favour of James Frederick Stodart Mundell recorded in the Division of the General Register of Sasine for the County of Dumfries on 18th December 1995 (“the Property”)

The Parties:-

Peter Geddes residing at 37 Main Road, Collin, DG1 4JL (“The Tenant”)

James Mundell residing at Braehead Farm, Collin, Dumfries, DG1 4JN (“The Landlord”)

Dumfries and Galloway Council, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD (“The Third Party”)

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

NOTICE TO

James Mundell

Whereas in terms of their decision dated 20th 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 the Landlord has failed to ensure that the structure and exterior of the Property (including drains, gutters and external pipes) are not in a reasonable state of repair and proper working order (Section 13 (1)(b) of the Act).

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 to:

1. Repair or renew the rear door leading from the kitchen to the garden, ensuring that it is wind and water tight, in a reasonable state of repair and in proper working order.
2. Repair or renew the timber window frames, sills, surrounds and operating mechanisms as necessary, at both the kitchen and the bedroom nearest to the kitchen, ensuring that they are in a reasonable state of repair and proper working order.
3. Replace the broken and missing section of rainwater goods at the rear of the property, ensuring that there is a permanent and satisfactory connection between the downpipe and the existing eaves guttering.
4. Repair or renew loose, defective or missing slates ensuring that the roof is in a wind and watertight condition, in a reasonable state of repair and in proper working order.

The Tribunal orders that these works must be carried out and completed by 15th September 2022.

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.

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 a landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 typewritten on this and the preceding page are subscribed at Hamilton on 20th June 2022 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Shannon Graham, Bothwell House, Hamilton
