

Housing and Property Chamber First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

First-tier Tribunal for Scotland (Housing and Property Chamber)

Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/19/3405

Hewkemill, Sibbaldbie, Lockerbie, DG11 2JY (“The House”)

The Parties:-

Dumfries and Galloway Council, Strategic Housing Services, Council Offices, Buccleuch Street, Dumfries, DG1 2AD (“the Third Party Applicant”)

Mr Thomas Warbeck, residing at the House (“the Tenant”).

Balgray Estate, Balgray House, Lockerbie, Dumfriesshire, DG11 2JT (“the Landlord”).

Whereas in terms of their Decision dated 4th February 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 House is wind and watertight and in all other respects reasonably fit for human habitation; and
- (b) 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 works as are necessary for the purpose of ensuring that the House meets the Repairing Standard and that any damage caused by the carrying out of any works in terms of this Order is made good.

In particular the Tribunal requires the Landlord:-

- a) To carry out such works as are required to ensure that the House is wind and watertight and in all other respects reasonably fit for human habitation, all in

terms of Section 13(1)(a) of the said Act. Specifically the Landlord has to repair the roof, internal beams and timbers in the Mill to ensure that the Mill is safe for habitation; and

- b) To carry out such works as a required to ensure that 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 all in terms of Section 13(1)(b) of the said Act. Specifically the Landlord has to clear the blocked gutters and repair the broken sections of the guttering at the rear of the property and carry out the necessary pointing work to the southmost chimneyhead;

The Tribunal orders that the works specified in this Order must be carried out and completed by 31st December 2020.

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 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, typewritten on this and the preceding page, are executed by Gerald McWilliams, Solicitor, Legal Member of the Tribunal, at Glasgow on 4th February 2020, before this witness:- Carol Cassidy, 81 Berkley Street, Glasgow, G3 7DX.

C Cassidy

Witness

G McWilliams

Legal Member