



**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/21/1969**

**Property at 16/6 Moncrieff Terrace, Edinburgh, EH9 1NA**

**Sasine Description: ALL and WHOLE the third house on the first floor, 16 Moncrieff Terrace, Edinburgh described in Disposition to Nora Carragher recorded in the General Register of Sasines for the County of Midlothian on 10 June 1955 ("The Property")**

**The Parties:-**

**Mr Toby Humphries and Ms Amy Taylor, 16/6 Moncrieff Terrace, Edinburgh, EH9 1NA ("the Tenants")**

**Mrs Rhona Dick, DJ Alexander Lettings Limited, 1-3 Wemyss Place, Edinburgh, EH3 6DH ("the Landlord")  
(Represented by Mr Alan Dick and DJ Alexander Lettings Limited)**

Whereas in terms of their decision dated 6 March 2022, 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 Property is wind and watertight and in all other respects fit for human habitation.
- (b) Any fixtures, fittings and appliances provided by the Landlord under the tenancy 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:-

1. In the kitchen –
  - a. To fix the worktop opposite the sink to the cupboards beneath and to the adjacent wall and to seal.
  - b. At the sink to make good all seals around the sink and sink draining board.
  - c. To ensure the sink draining board is supported by a leg bracket to ensure any water on the sink draining board runs into the sink.

2. To seal all gaps and holes in the kitchen, living room, bedroom and hallway to prevent access by vermin.
3. To plane the kitchen/living room and bedroom doors into the hallway so that they fit properly in the frames, to repair or replace the panel in the bedroom door and to adjust the lock on the bathroom door so that the doors open, close and lock correctly.
4. To redecorate the previously damp patches of wall in the living room behind the sofa and in the bedroom to the right hand side of the window.
5. To properly secure, seal and clear any obstructions from the mechanical vent from the bathroom to the vent above the bedroom window to ensure the arrangement is in proper working order and properly ventilates the bathroom.

The tribunal orders that the works specified in paragraphs 1, 5-8 and 10(iii) of this Order must be carried out within the period of 6 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, Legal Member of the tribunal at Dundee on *14th March* 2022 before this witness:-