

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order (RSEO) under section 24(2) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/21/1973

Title: Subjects at Flat 7, 18 Hall Street, Campbeltown, Argyll, PA28 6BU as more particularly described in Disposition by Curator Bonis to Mary Cuthbertson Johnston or McCallum referred to in Feu Con. to which Archibald Queen was a party recorded 10 April 1886 (Deed Reference 04486 No.4 Fi298.17) (“the Property”)

Parties:

Mr Bryan Bysouth-Mackie, Flat 7, 18 Hall Street, Campbeltown, Argyll, PA28 6BU (“the former Tenant”)

Mr Mota Singh, 54 Miller Drive, Bishopbriggs, Glasgow, G64 1FB (the Landlord)

Tribunal Members:

R [redacted] O'Hare (Legal Member) and M [redacted] Links (Ordinary Member)

Whereas in terms of their decision dated 29 October 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:-

- (i) the house is wind and watertight and in all respects reasonably fit for human habitation;

the Tribunal now 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.

In particular the Tribunal requires the landlord to:-

- (a) Ensure that the necessary repairs are carried out to the communal roof to render it wind and watertight; and
- (b) Carry out such redecoration to the property which may be necessary following the completion of the said repairs.

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

Right of Appeal

In terms of Section 46 of the Tribunal (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 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 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 preceding page(s) are executed by Ruth O'Hare, Chairperson, ([redacted])
[redacted] on 29 October 2022 before this witness:-

[redacted]

witness

[redacted]

Chairperson

[redacted]