

Housing and Property Chamber First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order

Housing (Scotland) Act 2006: Section 24

Chamber Ref: **FTS/HPC/RT/20/0494**

4 Knowe Cottages, Kirkconnel, Sanquhar, DG4 6NN registered in the Land Register of Scotland under Title Number DMF22527 (“the property”)

The Parties:-

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

James Donnelly, 4 Knowe Cottages, Kirkconnel, Sanquhar, DG4 6NN (“the Tenant”)

Inkersall Investments Ltd Challenge House, 46 Nottingham Road, Mansfield, Nottinghamshire, NG18 1BL (“the Respondent” and “the Landlord”)

Tribunal Members:

Martin McAllister (Chairman) and Lorraine Charles (Ordinary Member)

NOTICE TO

Inkersall Investments Ltd

Whereas in terms of their decision dated 30th August 2021, 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 tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard

in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The tribunal determined to make a repairing standard enforcement order in the following terms:

**The Landlord is to carry out works to the septic tank serving the Property (installation of a dip pipe) detailed in the report of SOS Drains Ltd dated 24th August 2021 and is required to supply adequate evidence to the Tribunal that the works have been completed;
(Section 13 (1) (c) of the 2006 Act)**

The Landlord requires to comply with the repairing standard order by 31st October 2021.

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 two preceding pages are executed by Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland on 30th August 2021 at Irvine before Donald Wooley, ordinary member of the First-tier Tribunal for Scotland, Glasgow Tribunals Centre, 20 York Street, Glasgow.

M. McAllister

D. Wooley