

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: Reference number: FTS/HPC/RP/21/1622

Property: 212 Main Street, Lennoxton, Glasgow, G66 7ES ("The property")

Parties:

MacLean Davidson, residing at 212 Main Street, Lennoxton, Glasgow, G66 7ES
("the Applicant")

Bridgeport investments Limited, a company incorporated under the Companies Acts
and having their registered office at Unit C New Carvel Buildings Warstock Road,
Kings Heath, Birmingham, West Midlands, England, B14 4RT ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)

Nick Allan (Ordinary Member)

Whereas in terms of their decision dated 3 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 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 in terms of Section 13(1)(a) of the 2006 Act;
- (b) The structure and exterior of the house are in a reasonable state of repair and in proper working order, in terms of Section 13(1)(b) of the 2006 Act; and

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) Carry out all necessary repairs to the flat roof above the property, to prevent further water ingress, and thereafter
- (b) Repair or replace the internal doors, and
- (c) Repair and clean, or replace, the hall carpet, and
- (d) Redecorate the inside of the property to remove the signs of water staining.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 4 months from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 preceding page are executed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the tribunal at Edinburgh on 23 November 2021 before Emma Doyle, 252 Gorgie Road, Edinburgh
E Doyle

P Doyle

_____ witness _____ chairperson