

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: FTS/HPC/RP/22/4179

Sasine Register: ANGUS 34755

Flat 9, 67 Seagate, Dundee DD1 2EH ("The Property")

The Parties:-

Mr Gavin Ross and Mr Jussi Aalto-Gallacher, Flat 9, 67 Seagate, Dundee DD1 2EH ("the Tenants")

Sale Developments Limited, having its registered office at Westburn House, Near Dunning, Perth, Perthshire PH2 0QY c/o Rockford Properties, 50 Castle Street, Dundee DD1 3AQ ("the Landlord")

Tribunal Members: Richard Mill (Legal Member) and David Godfrey (Ordinary Member)

NOTICE to SALE DEVELOPMENTS LIMITED, having its registered office at Westburn House, Near Dunning, Perth, Perthshire PH2 0QY c/o Rockford Properties, 50 Castle Street, Dundee DD1 3AQ ("the Landlord")

Whereas in terms of its decision of even date the tribunal determined that the landlord has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlord has failed to ensure that:-

- The house is wind and watertight and in all other respects reasonably fit for human habitation.
- The house does not meet the tolerable standard

The tribunal now requires the landlord to carry out such works as are necessary for the purposes of ensuring that the property 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:-

1. To produce an Electrical Installation Condition Report (EICR), postdating the tribunal's inspection on 11 April 2023, from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no Category C1 or C2 items of disrepair, which also refers to the provision for smoke and heat detection in accordance with Scottish Government guidance.
2. To ensure that the property is wind and watertight and, in particular, to replace all roof materials, fixtures and fittings as necessary and to make the roof watertight and to ensure that there is no likelihood of water ingress to the property.
3. To install a dehumidifier to reduce the levels of moisture in the property; the costs associated with powering the dehumidifier to be met at the landlord's expense.
4. To make good the internal condition and decoration of the property damaged by water ingress, to include repairing or replacing all necessary plaster ceilings and walls cracked and damaged and to thereafter redecorate to ensure there is no water staining.
5. To remove and treat all areas of mould on all surfaces and finishes, including all carpets and other furnishings.

The tribunal orders that the aforementioned works specified in this Order must be carried out and completed within a period of 10 weeks.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, legal member of the Tribunal at Edinburgh on 12 April 2023 before this witness:-
R G Mill

_____ Legal Member
C McNaught

_____ Witness

Cathy McNaught Name

Address
