

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Variation of Repairing Standard Enforcement Order (“RSEO”): Housing
(Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/22/1502

Re: Property at 87 Gatehead Road, Crosshouse, Kilmarnock, East Ayrshire, KA2
0JH Registered in the Land Register of Scotland under Title Number AYR53080
 (“the Property”)

Parties:

Mr David Reilly (“the Applicant”)

Mrs Irene Fowler, 1 Plann Road, Kilmarnock, KA2 0EN (“the Respondent” and
 “Landlord”)

Slater, Hogg and Howison, 3rd Floor, 26 Springfield Court, Glasgow, G1 3DQ
 (“the Respondent’s Representative”)

Tribunal Members:

M. McAllister (Legal Member) and D. Wooley, Chartered Surveyor,
 (Ordinary Member) (“the tribunal”)

NOTICE TO

Mrs Irene Fowler

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 11 December 2022 that the repairing standard enforcement order (**RSEO**) relative to the Property dated 5th September 2022 should be varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the work required by the order is extended to 31st March 2023.

Section 25(3) of the Housing (Scotland) Act 2006 as amended does apply in this case.

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.

In terms of Section 63 of the Act, 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 the house at any time during which an RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents on this and the previous page are executed by
M Jc McAllister, legal member of the Tribunal, _____ on 13th December
2022