

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(2)**

Chamber Reference: FTS/HPC/RP/23/2172

**Title Number: Subjects in the County of Inverness registered under Title
Number INV2333**

The Parties

Ms Tania Godwin, 15A Telford Road, Inverness, IV3 8HZ (“The Former Tenant”)

Mr Patrick McLellan, 40 Ross Avenue, Inverness, IV3 5QJ (“The Landlord”)

Subjects: 15A Telford Road, Inverness, IV3 8HZ (“the Property”)

NOTICE TO THE LANDLORD

Whereas in terms of their decision dated 30th October 2023, the First-tier Tribunal for Scotland (Housing and Property Chamber) has determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that:

- the Property is wind and water tight and in all other 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 meets the repairing standard.

In particular the Tribunal requires the Landlord to:

- The Tribunal now requires the Landlord to carry out such work as is necessary to eliminate the damp areas in the internal linings of the front bedroom and to redecorate the affected areas.

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

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 Property at any time during which a RSEO has effect in relation to the Property. This is in terms of Section 28(5) of the Act.

Date: 01 November 2023

Helen Forbes: Chairperson