

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

Re: 38 Tiree Court, Irvine, North Ayrshire, KA11 ("the House")

Title number: AYR 45712

Chamber Ref: FTS/HPC/RP/23/3360

Mr Martin Grant, residing at the House ("the Tenant")

Mr John Scott, 8B Park Terrace, Ayr, KA7 2AN ("the Landlord")

Tribunal Members:

Nicola Weir (Legal Member) and Donald Wooley (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined on 26 March 2024 that the **Repairing Standard Enforcement Order** relative to the House dated 29 January 2024 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the Order is extended until **10 May 2024**.

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 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 preceding page are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 26 March 2024 in the presence of the undernoted witness:-

C Weir

N Weir

_____ witness

_____ Legal Member

NICOLA WEIR

_____ name in full