

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/RT/23/1321**

**79 McLaren Terrace, Carronshore, Falkirk FK2 8EQ  
("The Property")**

**The Parties:-**

**Falkirk Council, Private Sector team, Suite 1, The Forum, Callendar Business Park, Falkirk FK1 5XR  
("the Third Party Applicant")**

**Mr Steven Thicot, 79 McLaren Terrace, Carronshore Falkirk FK2 8EQ  
("the Tenant")**

**Mr Kenneth McBride, 40B Russell Street, Falkirk FK2 7HS  
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having determined on 24 March 2024 that the RSEO relative to the property dated 11 October 2023 should be varied, the said RSEO is hereby varied with effect from the date of service of this Notice in the following respect:-

1. The steps which the Tribunal requires the Landlord to take in complying with the order are amended as follows:-
  - (i) By the extension of the period for compliance with the RSEO until 15 April 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 type written on this and the preceding page are executed Graham Harding, legal member of the Tribunal, at Perth on 24 March 2024 in the presence of the undernoted witness:-

G Harding

J N Harding

\_\_\_\_\_ witness

\_\_\_\_\_ Legal Member