

Housing and Property Chamber First-tier Tribunal for Scotland



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

Determination: Housing (Scotland) Act 2006: Section 25

Case Reference FTS/HPC/RT/18/0534

Miss Janice Mckendrick, Flat 4, Globe House, Ecclefechan, Lockerbie, DG11 3DF (“the Tenant”)

Mr Amir Rasool, Denebank, High Street, Ecclefechan,Lockerbie,DG 11 3DF (“the Landlord”)

Strategic Housing Services, Dumfries and Galloway Council, Council Offices, Buccleuch Street, Dumfries, DG1 2AD (“the Third Party Applicant”).

Flat 4, Globe House, Ecclefechan, Lockerbie, DG11 3DF part of Title Number DMF16169 (“the Property”).

Tribunal Members: Martin McAllister (Legal Member) and Kingsley Bruce, surveyor, (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 3rd September 2019 that the repairing standard enforcement order (**RSEO**) relative to the Property dated 7th June 2018 and subsequently varied should be further varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respect:-

The repairing standard enforcement order requires to be complied with by 1st November 2019

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 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 typewritten on this page are executed by Martin Joseph McAllister, solicitor, legal member of the Tribunal at Kilwinning on 9th September 2019 in the presence of Audrey Boylan, 83 Main Street, Kilwinning.

M McAllister

A Boylan