

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RP/22/4492

Sasines Description: 23 East High Street Forfar being part of the subjects [bounded by High Street] in Forfar described in the Disposition to Archibald saddler and another, recorded in Forfar Burgh Register 4 July 1924.

**23 East High Street Forfar DD8 2EL
("the House")**

The Parties:-

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**Mr Jack Murphy and Mrs Erika Murphy, 23 East High
Street, Forfar DD8 2EL("the Tenants")**

**William Saddlers & Sons 35 East High
Street, Forfar DD8 2EL("the Landlord")**

Whereas in terms of their decision dated 1 August 2023 The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act") and in particular that the Landlord has failed to ensure that the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the tribunal requires the landlord:-

To instruct a Gas Safe registered engineer who has not hitherto inspected the boiler to inspect the boiler with a view to address the issues raised by the tenant and to carry out such work as is necessary to ensure that the boiler is safe, in a reasonable state of repair and in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of one month from the date of service of this Notice.

A landlord or tenant 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 by Graham Harding, legal member of the Tribunal, at Perth on 1 August 2023 in the presence of the undernoted witness:-

G Harding

J Harding

witness

Legal Member

name in full

Address