

Housing and Property Chamber

First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Reference number: FTC/HPC/RT/22/0840

Parties:

1. Dumfries and Galloway Council per its employee Mr. Robert Rome, HMO Licensing and Landlord Registration Officer, Strategic Housing, Municipal Chambers, Buccleuch Street. Dumfries, DG1 2AD as third-party applicant in terms of Section 22(1A) of the Act (“the Third -party Applicant”);
2. Mr. James Donnelly residing at 4, Knowe Cottages, Kirkconnel, Sanquhar, DG4 6NN (“the Tenant”)
3. Inkersall Investments Limited, Challenge House, 46, Nottingham Road, Mansfield, Nottinghamshire, NG18 1BL (“the Landlord”), together referred to as “the Parties”.

Property: 4, Knowe Cottages, Kirkconnel, Sanquhar, DG4 6NN being part of the subjects registered under title sheet number DMF22527

Notice to Landlord

Inkersall Investments Limited, Challenge House, 46, Nottingham Road, Mansfield, Nottinghamshire, NG18 1BL

Whereas in terms of its decision dated 13 December 2022, the First-tier Tribunal for Scotland determined to vary the Repairing Standard Enforcement Order dated 21 June 2022 (“the RSEO”) and registered against the Property, the First-tier Tribunal now varies the RSEO as follows:-

The Landlord must on or before **28 February 2023** carry out all of the following:-

1. By instructing Russell Preservation of 69, Commercial Road, Strathaven or a damp proofing and timber specialist registered with the Property Care Association or similar trade organisation, ensure that the works recommended in the Report dated 8 August 2022 prepared by the said Russell Preservation and submitted to the Tribunal by the Landlord are carried out;
2. By instructing a suitably qualified land drainage engineer or agricultural contractor, ensure that such drainage works as are required to ensure that all surface water is properly drained from the front garden and directed away from the front garden and the house so that the front garden is usable as an ornamental garden and the house is free from any water ingress from the front garden. The Landlord is

to provide the Tribunal, the Third-party Applicant and the Tenant with a copy of the engineer's quote for the works which should detail the works to be carried out;

3. Repair the extractor fan in the kitchen to ensure that it is in proper working order, is not excessively noisy and does not allow an excessive amount of wind to enter the Property. In the event that a repair is not possible, replace the fan with an electric fan to be fitted by a suitably qualified and registered SELECT, NAPIT or NICEIC electrical contractor and
4. Make good all damage as a result of these works.

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by K: Moore, Chairperson of the tribunal, at Glasgow on 13 December 2022 before this witness.