

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/17/0424

Title no: FFE5170

20B Buchanan Street, Dunfermline KY12 7PG ("The Property")

The Parties:-

**Mr Campbell Crowe, residing at 20B Buchanan Street, Dunfermline KY12 7PG
("the Tenant")**

**Mr Hope-Vere Anderson, residing at Barbeth House, New Abbey, Dumfries
DG2 8DB ("the Landlord")**

**Tribunal Members: Richard Mill (Legal Member) and David Lawrie (Ordinary
Member (Surveyor))**

**NOTICE TO MR HOPE-VERE ANDERSON, residing at Barbeth House, New
Abbey, Dumfries DG2 8DB ("the Landlord")**

Whereas in terms of their decision of even date 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 house is wind and watertight and in all other respects reasonably fit for human habitation.
- Whether the structure and exterior of the house (including drains, gutters, and external pipes) 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 property 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:-

1. To instruct a suitably qualified contractor to inspect the whole roof above the property (on all elevations), to investigate the causes of the

water penetration to the Property, to include an assessment of the slates, guttering and downpipes and to thereafter carry out the works identified to ensure that there is no water penetration and that the Property is wind and watertight and that the roof and all fixtures are in good working order.

2. To carry out the works identified within the Report of Peter Cox Property Preservation, based upon their survey on 3 January 2018, and to thereafter re-decorate.

The Tribunal orders that the works specified in this Order must be carried out and completed within the period of 10 weeks from the date of service of this Notice and evidenced to the Tribunal.

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 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(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the tribunal at Edinburgh on 17 January 2018 before this witness:-

Richard Mill

Legal Member

Margaret Murray

Witness

MARGARET JOHNSTONE MURRAY Name

69-71 DALRY ROAD Address

EDINBURGH

EH11 2AA