

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**

Re: 48 Buchan Road, Troon, KA10 7BT (“the House”)

Title number: AYR 15272

Chamber Ref: FTS/HPC/RP/23/4027

Miss Vikki Malcolm and Mr Robert Ward, residing at the House (“the Tenant”)

Ms Kathryn Lydon, 18 Benton Street, Hadleigh, IP7 5AT (“the Landlord”)

Tribunal Members:

Nicola Weir (Legal Member) and Donald Wooley (Ordinary Member)

Whereas in terms of their decision dated 26 March 2024, 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 House meets the repairing standard with reference to the following provisions of Section 13 of the Act, as amended:-

- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation;
- (b) 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;
- (c) 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;
- (d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order; and

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:-

1. Repair or as necessary replace all the single glazed windows within the House to ensure that they provide adequate ventilation, can be opened and closed properly, are in a reasonable state of repair, in proper working order and that the House is wind and watertight and in all other respects reasonably fit for human habitation; and to make good the surrounding decoration.
2. Instruct a suitably qualified specialist to undertake a detailed survey of the House to identify the cause(s) and full extent of the condensation, damp, damp staining and mould throughout and any necessary remedial action. Any reports, quotations or receipts in respect of the repairs should, when available, be submitted to the Tribunal for consideration. Thereafter all necessary repairs to remedy these defects should be completed, and any resultant decoration made good to ensure that the House is in a reasonable state of repair, wind and watertight and in all other respects reasonably fit for human habitation.
3. Repair or as necessary replace the extractor fan in the bathroom to clear the debris gathered with the fan and to ensure that it is fully functional, in a reasonable state of repair and in proper working order.
4. Instruct a suitably qualified contractor to renew or replace the defective or missing roof tiles and the broken and missing sections of fascia and soffit boards above the House to ensure that the roof is in a reasonable state of repair, fully wind and watertight, free of nesting birds and that the House is reasonably fit for human habitation.
5. Repair or as necessary renew the defective eaves guttering above the living room window to ensure that it is in a reasonable state of repair and in proper working order.
6. Repair or as necessary renew the leaking electric shower fitting in the bathroom to ensure that it is in a reasonable state of repair and in proper working order.
7. To submit to the Tribunal an up to date and satisfactory Gas Safety Record from a Gas Safe registered engineer in relation to the House.
8. To submit to the Tribunal an up to date, satisfactory and complete Electrical Installation Condition Report (EICR) in respect of the installations in the House for the supply of electricity and the electrical fixtures and fittings, including the smoke and heat detectors, and a Portable Appliance Test (PAT) in respect of any portable electrical appliances supplied by the Landlord from a suitably qualified and registered SELECT, NICEIC or NAPIT contractor to ensure that the installations in the house for the supply of electricity are 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 a period of **12 weeks** from the date of issue of this Order.

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.

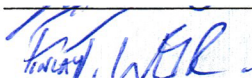
In witness whereof these presents typewritten on this and the preceding page are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 2 April 2024 in the presence of the undernoted witness:-

F Weir

N Weir

witness

Legal Member



name in full