

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act  
2006, Section 24(2)**

**Chamber Ref: FTS/HPC/RP/19/3972**

**7/7 Tower Place, Edinburgh, EH6 7BZ (Title number MID92258) ("The House")**

**The Parties:-**

**Mr Andrew Michael Beatt, 46 Abbotsford Road, Galashiels  
("the Landlord")**

**Tribunal members**

**Susanne L. M. Tanner Q.C., Legal Member and Chair  
Andrew Murray (Ordinary Member)**

### **NOTICE TO Mr ANDREW BEATT (the LANDLORD)**

**WHEREAS in terms of its decision dated 5 March 2019 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 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in the following respects:**

- "(a) the house is wind and watertight and in all other respects reasonably fit for human habitation;*
- (b) 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;*
- (e) Any furnishings provided by the Landlord under the tenancy are capable of being used safely for the purpose for which they are designed; and*

*(f) the house meets the tolerable standard.*

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 repair or replace the boiler to ensure that the installations in the house for space heating and heating water are in reasonable state of repair and in proper working order.
2. To repair or replace the shower installation and/or enclosure in order that the appliance is in a reasonable state of repair and proper working order and the House is watertight.
3. To repair or replace the French window lock in the living room to ensure that the door can be unlocked and opened, it is capable of being used safely for the purpose for which it is designed and to ensure an adequate source of ventilation in the living room.
4. To repair or replace the extractor fan in the bathroom in order that it is capable of being used safely for the purpose for which it is designed and to ensure an adequate source of ventilation in the bathroom.
5. To repair the kitchen table so that the tabletop is secure and is capable of being used safely for the purpose for which it was designed; or remove it from the House and dispose of it.

The tribunal orders that the works specified in this Order must be carried out and completed within 8 weeks from the date of service of this Notice.

## **Right of Appeal**

**A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 an 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 two preceding page(s) are executed by Susanne L M Tanner, Queen's Counsel, Legal Member and chair of the tribunal

S Tanner

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Legal Member / Chair

signed on 6 March 2020 (date) at EDINBURGH

before this witness:-

D Tanner

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Witness

DAVID HENDERSON TANNER

name in full

PARLIAMENT HOUSE,

Address

PARLIAMENT SQUARE, EDINBURGH