

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006**

**Property: 7 Prior Avenue, Canonbie, Dumfries and Galloway DG14 0UT ("the Property"/ "the house")**

**Sasine Description: ALL and WHOLE that plot or area of ground with the dwellinghouse and others erected thereon known as 7 Prior Avenue, Eskdale, Canonbie, in the County of Dumfries, being the subjects more particularly described in Disposition by Annandale and Eskdale District Council in favour of Marion Graham dated 22 April and recorded in the Division of the General Register of Sasines applicable the County of Dumfries 14 May, both dates in the year 1992**

**Chamber Reference: FTS/HPC/RT/19/3345**

**Parties:**

**Dumfries & Galloway Council, Strategic Housing Services, Council Offices, Buccleuch Street, Dumfries DG1 2AD ("Third Party Applicant")**

**Mr John Kerr, 1 King Garth, Cargo, Carlisle CA6 4AU ("the Landlord")**

**Tribunal Members – George Clark (Legal Member/Chairperson) and Donald Wooley (Ordinary Member/Surveyor)**

Whereas in terms of their decision dated 4 December 2019, 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"), 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. Renew or repair broken and damaged wet wall lining in the bathroom ensuring that it is in a reasonable state of repair and in proper working order.
2. Remove all visible mould from the internal walls, clean, treat with appropriate fungicidal solution and redecorate as necessary
3. Obtain an Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT registered electrician in respect of the property, undertake any work which is identified in said report to be of Category C1 or C2 and ensure that the visible gap adjacent to the wall mounted electrical power socket within the kitchen is filled and all wiring relative thereto suitably protected.

4. Repair or renew the work top surrounding the kitchen sink unit ensuring that it is in a reasonable state of repair and in proper working order.
5. Install a smoke detector within the living room, ensuring that it is powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019 and interconnected with the existing smoke and heat appliances currently located within the kitchen and hall.
6. Repoint and repair defective joints around the base of the patio doors ensuring that they are in a reasonable state of repair and in proper working order.
7. Repair or renew broken and defective paving slabs in the rear garden ensuring that they are in a reasonable state of repair and in proper working order.
8. Repair or renew cracked, broken and defective rendering and coping at the chimney ensuring that they are in a reasonable state of repair and in proper working order.
9. Repair renew or remove the timber gate leading to the rear garden, ensuring that it is in a reasonable state of repair and in proper working order should it remain.

The Tribunal orders that the works required by this Order must be carried out and the Electrical Condition Installation Report exhibited within two months of the date of service of this Order on the Landlord.

### **Right of Appeal**

**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, typewritten on this and the preceding page, are executed by George Barrie Clark, Chairperson of the Tribunal, at Lasswade, on 4 December 2019, before this witness, Valerie Elizabeth Jane Clark, residing at Droman House, Lasswade, Midlothian.

G Clark

V Clark

Legal Member/Chair ..

Witness