

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: 139 Burntscarthgreen, Locharbriggs, Dumfries DG1 1XW ("the Property"/ "the house")

Chamber Reference: FTS/HPC/RT/19/3253

Parties:

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

Miss Shannon Bolton, 139 Burntscarthgreen, Locharbriggs, Dumfries DG1 1NX ("the Tenant")

Mr Kenneth Irvine, 10 Corberry Mews, Dumfries DG2 7AX ("the Landlord")

Tribunal Members – George Clark (Legal Member/Chairperson) and Mike Links (Ordinary Member/Surveyor)

Whereas in terms of their decision dated 28 January 2020, 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. In particular, the Tribunal requires the Landlord to:

1. Carry out such repairs as are necessary to the central heating boiler to ensure the control is in proper working order and is maintaining adequate pressure.
2. Engage a suitably qualified Gas Safe registered heating engineer to ~~repair~~ the gas fire in the living room, or to replace it.
3. Thereafter, provide the Tribunal with a satisfactory current Gas Safety Certificate for the Property, issued by a Gas Safe registered engineer.
4. Provide the Tribunal with an Electrical Installation Condition Report (EICR) in respect of the entire electrical installation within the Property issued by a SELECT, NAPIT or NICEIC registered electrician and containing no C1 or C2 items of disrepair

5. Relocate the carbon monoxide monitors in the living room and rear front bedroom to ensure they are compliant with all relevant regulations and Scottish Government guidance.
6. Instruct a suitably qualified contractor to carry out such repairs as are necessary to return the kitchen window to a wind and water tight condition and in proper working order.
7. Repair the damage to the rear entrance door to ensure it is wind and water tight, or replace it.
8. Instruct a suitably qualified contractor to provide a report to the Tribunal on the cause of water ingress to the first-floor bathroom ceiling and to carry out all necessary repairs to ensure the Property is wind and water tight.
9. Carry out such work as is necessary to secure the toilet in the first-floor bathroom to the floor and the wall.
10. Secure the shower screen in the first-floor bathroom and investigate the cause of damage to the kitchen ceiling below and carry out such remedial work as is necessary to the kitchen ceiling.
11. Instruct a suitably qualified contractor to examine the shower unit in the first-floor bathroom and to carry out such works as are necessary to ensure that temperature fluctuations do not occur and the shower unit is in proper and safe working order.
12. Repair or replace the left hand (looking from the inside) Velux window in the attic bedroom so that it is wind and water tight and in proper working order.
13. Carry out such repairs as are necessary to the wooden floorboards on the first-floor landing to ensure they are even and safe.
14. Carry put such repairs and reinstatement to the shower unit in the attic as are necessary to ensure it is in safe and proper working order.
15. Carry out such repairs to the defective cement rendering at the kitchen window lintel and the cracking and broken roughcasting adjacent to the rear

entrance door as are necessary to ensure the Property is wind and water tight.

16. Supply and install smoke and heat detectors to comply with all relevant regulations and with Guidance issued by the Scottish Government.

17. Carry out all making good and decoration associated with the completion of the foregoing works.

The Tribunal order that the works required by this Order must be carried out within the period of six weeks from the date of service of this Order.

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 two preceding pages, are executed by George Barrie Clark, Chairperson of the

Tribunal, at Edinburgh, on 27 February 2020, before this witness, Kevin McCusker, Tribunal Clerk, 20 York Street, Glasgow.

..... **G Clark**

K McCusker
Legal Member/Chair ..

. Witness