



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) in terms of Section 26 of the Housing
(Scotland) Act 2006**

Reference number: FTS/HPC/RP/22/1710

**Re: Property at 3, Flat 0/2 Baronald Street, Rutherglen, Glasgow G73 1AF
(registered under title number LAN45094) (“Property”)**

The Parties:

**Christopher Purcell, 3, Flat 0/2 Baronald Street, Rutherglen, Glasgow G73 1AF
(“Tenant”)**

Mohammed Arshad, c/o 584 Cathcart Road, Glasgow G42 8AB (“Landlord”)

Aqa Property Ltd, Cathcart Road, Glasgow G42 8AB (“Landlord’s Agent”)

Joan Devine (Legal Member); Nick Allan (Ordinary Member)

DECISION

The Tribunal determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order dated 16 February 2023 (“RSEO”) within the period of time set out in the RSEO. Notice of the failure will be served on the local authority. The Tribunal's decision is unanimous.

Background

The Tribunal issued a decision dated 16 February 2023 requiring the Landlord to comply with the RSEO relative to the Property issued by the Tribunal on the same date. The RSEO required the Landlord to:

1. Appoint a suitably qualified damp specialist to investigate and report on all areas of dampness in the Property, particularly in the living room and bathroom, and undertake all works recommended, including any enhanced ventilation, make good all plaster walls, ceilings and any woodwork affected by damp; include all necessary redecoration.

2. Appoint a suitably qualified heating engineer to report on the heating system in the Property and undertake all works recommended to ensure the heating system is fully functioning.
3. Provide to the Tribunal a current Gas Safety certificate.
4. Appoint a suitably qualified contractor to check the structural integrity of the window sills in the living room and bedroom, make good any repairs required, repair or replace the sealant where necessary and weatherproof (paint) all exposed surfaces. On completion of the works provide to the Tribunal an invoice from the contractor specifying the works carried out and a receipt evidencing payment for the works.

The Tribunal ordered that the works specified in this order must be carried out and completed within the period of 6 weeks from the date of service of the RSEO.

A re-inspection was scheduled to take place on 29 August 2023. The Tribunal attended the Property but were unable to gain access. The Tenant had vacated the Property. A Direction dated 30 August 2023 was issued to the Landlord in the following terms :

The Landlord is required to lodge with the Tribunal by **5pm on 22 September 2023** :

1. A copy of any instruction since 16 February 2023 from the Landlord to a damp specialist regarding the Property.
2. A copy of any report obtained by the Landlord since 16 February 2023 from a damp specialist regarding the Property.
3. Documentation such as invoices obtained since 16 February 2023 evidencing work being carried out at the Property by a damp specialist.
4. Documentation such as invoices obtained since 16 February 2023 evidencing work being carried out at the Property by a heating engineer to ensure the heating system is fully functioning.
5. Documentation such as invoices obtained since 16 February 2023 evidencing work being carried out at the Property by a contractor to the window sills to check their structural integrity.
6. A current Gas Safety Certificate for the Property confirming that the boiler is fully functioning.

The Landlord did not lodge a response to the Direction.

Reasons for Decision

The Tribunal unanimously determined that the Landlord has failed to comply with the RSEO within the period of time for completion of the works set out in the RSEO. No evidence has been provided to the Tribunal of any attempt having been made to carry out the necessary works. As the Property is no longer occupied the Tribunal did not make a rent relief order in terms of section 27 of the Housing (Scotland) Act 2006.

Right of Appeal

In terms of Section 46 of the Tribunal (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

**Member,
2 October 2023**