

Housing and Property Chamber

First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/23/1893

Re: Property at 0/2, 12, Cresswell Street, Glasgow G12 8BY being the subjects more particularly described as the righthand or eastmost flat on the ground floor of the tenement known as 12 Cresswell Street, Glasgow in Disposition in favour of Mary Russell and others recorded in the Division of the General Register of Sasines (Glasgow) on 27 October 1904 ("the Property")

The Parties:

Mr. Alexandra Sidorova and Mr. Sean Arnold both residing at the Property ("the Tenants")

And

Lanero Property Co.Ltd care of Clyde Property Ltd, 8 Busby Road, Clarkston, Glasgow G76 7XL ("the Landlord") per their agents, Clyde Property Ltd ("the Landlord's Agents") and represented by Mitchells Robertson, George House, 36 North Hanover Street, Glasgow , G1 2AD (" the Landlord's Solicitors")

Tribunal Members:

K Moore (Chairperson) and A Taylor (Ordinary and Surveyor Member)

Notice to Landlord

Lanero Property Co.Ltd care of Clyde Property Ltd, 8 Busby Road, Clarkston, Glasgow G76 7XL

Whereas in terms of its decision dated 24 October 2023, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13(1)(a) and 13(1) (h) of the Act, the First-tier Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 20 December 2023 carry out all of the following:-

1. Engage a suitably qualified sash and case window specialist to overhaul and repair or replace all windows ensuring that they are wind and watertight, that the windows are in proper working order and the windows are capable of opening and closing securely and safely, to include all necessary cill replacement, pointing, new ironmongery, draught proofing and any necessary painting inside and out.
2. Redecorate all areas affected by water damage and black mould within the Property including any necessary treatment of mould and damaged plaster and
3. Replace all blinds and window dressing affected by water damage and black mould
4. Carry out all incidental and decorative works occasioned by the works necessary to comply with this Order to leave the Property in the condition required by the Repairing Standard.

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding pages are
subscribed by K Moore, Chairperson of the tribunal, at Glasgow on 24 2023 before
this witness, N Moore, solicitor,