

Housing and Property Chamber

First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/23/3382

Re: Property at 120, Millcroft Road, Cumbernauld, Glasgow, G67 2QH registered in the Registers of Scotland under Title Number DMB27834 ("the Property")

The Parties:

Mr. Lekan Falade residing at the Property ("the Tenant")

And

Mr. Gurminder Singh residing at 65, Peasehill Gait, Rosyth, Dunfermline, Fife, KY11 2BD ("the Landlord")

Tribunal Members:

K Moore (Chairperson) and C Jones (Ordinary and Surveyor Member)

Notice to Landlord

Mr. Gurminder Singh residing at 65, Peasehill Gait, Rosyth, Dunfermline, Fife, KY11 2BD
Whereas in terms of its decision dated 13 November 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 Section 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 22 January 2024 carry out all of the following:-

1. Take such steps and actions with co-owners and the local authority which are necessary to bring the structure and exterior of the larger building of which the Property forms part (including drains, gutters and external pipes) into a reasonable state of repair and in proper working order and so ensure that the Property is dampness free, wind and watertight and in all other aspects reasonably fit for human habitation. The Landlord is to report to the Tribunal and the Tenant on the steps and actions taken and the responses received from the co-owners and is to provide the Tribunal and the Tenant with copies of all reports and correspondence received.

2. Carry out all works as necessary internally to eliminate the dampness and condensation in the Property to render the Property wind and watertight and in all other aspects reasonably fit for human habitation and provide evidence of these works to the Tribunal and the Tenant;
3. Redecorate all areas affected by water damage and mould within the Property including any necessary treatment of mould and provide evidence of this to the Tribunal and the Tenant;
4. Engage a suitably qualified window contractor to repair or replace all windows in the Property to ensure that the windows are wind and watertight, are in proper working order and are capable of opening and closing securely and safely, to include all necessary cill replacement, pointing, new ironmongery and draught proofing and to ensure that the Property is capable of being properly ventilated to minimise condensation.
5. Engage a suitably qualified contractor to overhaul and repair or replace the heating system in the Property to ensure that the heating system is in proper working order and to ensure that the Property is capable of being properly heated to minimise condensation.
6. Engage a suitably qualified pest control contractor to eradicate any vermin infestation at the Property and provide the Tribunal and the Tenant with evidence of all works undertaken.
7. Investigate the draughts entering the Property from behind the electric storage heater in the living room and the kitchen and repair same to ensure that the Property is in a reasonable state of repair, free from draughts and free from vermin infestation.
8. Install electrical mains supplied, inter-connected hard wired or wireless long life battery, smoke and heat detectors within the property in accordance with current Scottish Government regulations for residential properties.
9. Produce to the Tribunal and the Tenant a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category and, where applicable, the outcome in respect of the individual areas should be appropriately marked with a "tick" if in an acceptable condition.
10. Engage a suitably qualified flooring contractor to adjust and secure the new vinyl floor covering in the kitchen to ensure it is in a reasonable state of repair and proper working order.
11. 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 13 November 2023 before this witness, N. _____ Moore, solicitor,