

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Reference number: FTS/HPC/RT/23/2255

Re: Property at 11 Oxfangs House, Edinburgh, EH13 9HE (“the Property”)

Title Number: MID99515

The Parties:

The City of Edinburgh Council, Housing and Regulatory Services, G1 Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG (“The applicant”)

Mr Mohammed Abrar, residing at 143 Glasgow Road, East Kilbride, South Lanarkshire G74 4QA (“the Landlord”)

Interested Party:

Jessica Brandon, residing at 11 Oxfangs House, Edinburgh, EH13 9HE (“the Tenant”)

Tribunal Members:

**Paul Doyle (Legal Member)
Greig Adams (Surveyor Member)**

Whereas in terms of their decision dated 11 October 2023, 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”) and in particular that the landlord has failed to ensure that:-

- (a) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair nor are they in proper working order in terms of Section 13(1)(c) of the 2006 Act;
- (b) The fixtures and fittings provided by the respondent under the tenancy are not in a reasonable state of repair nor are they in proper working order in terms of Section 13(1)(d) of the 2006 Act;

and

- (c) The house meets the tolerable standard, in terms of Section 13(1)(h) of the 2006 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

(a) Instruct a suitably qualified Gas Safe registered engineer to inspect and carry out all works necessary to leave the gas central heating system and boiler in good working order. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with an up-to-date and satisfactory Gas Safety Record from a suitably qualified and Gas Safe registered heating engineer on the safety of the gas central heating system and all other gas appliances in the property.

(b) Ensure that interlinked smoke and heat detectors, and carbon monoxide detectors are installed within the property, ensuring that they are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(c) Repair or replace the door stop, door handle & latch, and multipoint locking mechanism on the front door to the property.

(d) To obtain either *i) a Building Warrant and/or a Completion Certificate issued by the local authority, (ii) obtain a report from the local authority's Property Inspection service or (iii) obtain a Certificate of Completion for the en-suite shower room/wc. If the local authority refuse to (iv) grant Building Warrant and/or Completion Certificate, or (v) detail remedial works required within the Property Inspection service report or (vi) refuse to grant a Certificate of Completion, either a) remove the ensuite shower/wc and reinstate the pre-existing storage space or b) carry out all works recommended by the local authority advised in obtaining items (i)-(iii) and also progress all works to comply with the Building (Scotland) Regulations 2004.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 28 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 type written on this and the preceding page are executed by Paul Doyle, solicitor, 20 York St, Glasgow G2 8GT, legal member of the tribunal at Edinburgh on 12 October 2023 before Emma Doyle, 20 York St, Glasgow G2 8GT

E Doyle

P Doyle

witness

chairperson