

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Statement of Decision: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: FTS/HPC/RT/22/4483**

**Flat 13, Fife House, Low Street, Banff, AB45 1AB, registered in the name of the Landlord in the Land Register on 21 June 2004 under Title Number BNF1579 (“The Property”)**

**The Parties:-**

**Melanie and Jacob Miles, formerly residing at the Property (“the Tenant”)**

**Aberdeenshire Council, Housing and Building Standards, Gordon House, Blackhall Road, Inverurie, AB51 3WA (“the Third Party Applicant”)**

**and**

**Mr Michael Glyn Rowberry, 69 Comer Road, Worcester, WR2 5HY (“the Landlord”)**

**The Tribunal**

**Mr Maurice O’Carroll (Legal Member and Chair)  
Mr Andrew Murray (Ordinary Member) (Surveyor)**

### **Background**

1. On 20 July 2023, the First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the landlord had 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 had failed to ensure that the installations in the Property for space heating were in a reasonable state of repair and in proper working order as required by section 13(1)(c) of the Act.
2. A Repairing Standard Enforcement Order (RSEO) was therefore signed on 24 July 2023 and issued to the parties on 25 July 2022.
3. The works required further to the RSEO were as noted below. The Landlord was required to:-

- (a) Carry out all works to fit the Property with fixed heating installations in a reasonable state of repair and in proper working order so as to ensure that the Property has adequate heating in all principal rooms.
4. The Tribunal further required that the works specified in the RSEO were to be carried out and completed by 8 September 2023.

### **Re-inspection**

5. A re-inspection of the Property was carried out on 10 November 2023 by the Chairman and the Ordinary Surveyor member at 10.30am.
6. In advance of the re-inspection, the Landlord provided the Tribunal with the following:
  - A letter dated 6 September 2023 enclosing a quotation from Mark Riach Electrical Ltd for the installation of 3 radiators at the Property, being 1 x 1600w radiator and 2 x 900W radiators
  - A letter dated 15 September 2023 confirming that the above works had been carried out and the radiators installed.
7. Entry to the Property was provided by the Landlord's letting agent. Both Tribunal members inspected the entire Property. An emergency electricity supply was obtained in order to verify that the radiators installed were in working order. The surveyor member took photographs of the new wall radiators in situ. The new radiators were located in the bedroom, in the hallway and in the living area as required by the RSEO.
8. Each radiator was found to be of adequate specification for the purpose of space heating. They were determined to have been installed by a duly qualified contractor and in working order. Photographs of the installed radiators are appended to the present decision.

### **Decision of the Tribunal**

9. In light of the documentary evidence received and in light of its own observations at the re-inspection, the Tribunal determined that the RSEO had been complied with in full.
10. The Tribunal therefore decided to issue a Certificate of Compliance in terms of section 60 of the Act and to cause the same to be registered in the Land Register.
11. No further action on the part of the Landlord is required further to the RSEO.

### **Right of Appeal**

11. **A landlord or tenant 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.**

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Signed

Date: 11 November 2023

Legal Member and Chair