

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**

Chamber Ref: FTS/HPC/RT/23/1343

Title no: ANGUS 94006

First Floor Left, 45 Lyon Street, Dundee DD4 6RA (“The Property”)

The Parties:-

- **Dundee City Council - Private Sector Services, 5 City Square, Floor 3, Dundee DD1 3BA (“The Third Party Applicant”)**
- **Mr Zakir Latif Karim, 13 Luke Place, Broughty Ferry, Dundee DD5 3BN (Owner of the Property “the Landlord”)**
- **Mr Michael Gow, First Floor Flat, 45 Lyon Street, Dundee DD4 6RA (“the Tenant”)**

The Tribunal comprised:-

Ms Gabrielle Miller	-	Legal Member
Ms Geraldine Wooley	-	Ordinary Member (Surveyor)

Whereas in terms of their decision dated 19th May 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 House is wind and watertight and in all other respects reasonably fit for human habitation;
- b) The installations in the Property for the supply of the water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order;

- c) Any fixtures, fittings and appliances provide by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- d) The House has satisfactory provision for detecting fires and for giving warning in the event of fire or suspecting fire; and
- e) The House does not meet the tolerable standard.

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:-

- a) As a minimum to provide a smoke detector in the hall and a heat detector in the kitchen area to ensure that the house has satisfactory provision for detecting fire and for giving warning in the event of fire or suspected fire. This should be in accordance with the Building Standards Technical Handbook 2020: domestic as issued by the Scottish Government
- b) To replace and make good the main room/kitchen ceiling to ensure that it is safe.
- c) To provide to the Tribunal an up-to-date Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT dated after the date of this Order. The report must specifically address the faulty sockets in the main room/kitchen. Any C1 or C2 faults noted in the report must be resolved.
- d) To repair or place the plaster in bathroom wall and ceiling to ensure that it addresses the damage from the leak from the Property above.
- e) To provide to the Tribunal an up-to-date Portable Appliance Test certificate for the electrical appliances provided by the landlord, completed by a suitably competent person.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 3 months from the date of service of this Notice.

A landlord, tenant or third party applicant 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.

In terms of Section 63 of the Act, 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 pages are executed by Gabrielle Miller, Chair and Legal Member of the Tribunal at Glasgow on 5th December 2023 in the presence of the undernoted witness: -

G Miller

J Ferguson

Witness

_____ chairperson

JOSH FERGUSON name in full

20 York Street Address

Glasgow

G2 8GT