

Housing and Property Chamber First-tier Tribunal for Scotland



Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/RP/23/3809

8 Milldown Place, Bourtreehill South, Irvine, KA11 1EF being the subjects registered in the Land Register of Scotland under Title Number AYR33720 (“the Property”)

The Parties:-

Adelle de Wet residing at 8 Milldown Place, Bourtreehill South, Irvine, KA11 1EF (“The Tenant”)

Mrs Andrea Gibson, CHAP, 71 Princes Street, Ardrossan, KA22 8DG (‘The Tenant’s Representative’)

Thomas and Alison Maitland residing at Braehead Farm, Irvine, KA11 1EF (“The Landlords”)

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

NOTICE TO

Thomas and Alison Maitland

Whereas in terms of their decision dated 27 February 2024 the Tribunal determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlords have failed to ensure that: the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order.

The Tribunal now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the Property 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 Landlords to:

1. Exhibit a valid and compliant EICR Certificate.
2. Exhibit a valid and compliant Landlords’ Gas Safety Certificate.

3. Instruct a competent and "Gas Safe" registered engineer to inspect the boiler and surrounding pipework, identify the source of the water leak below the boiler and complete any necessary remedial action, ensuring it is in a reasonable state of repair and in proper working order.

The Tribunal orders that these works must be carried out and completed by 30th March 2024.

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.

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 and landlord's successor in title) 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 RSEO has effect in relation to the house. This is in terms of section 28(5) of the Act: IN WITNESS WHEREOF these presents typewritten on this and the preceding page are subscribed at Hamilton on 27 February 2024 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Shannon Graham, Bothwell House, Hamilton.

Signed..... J. Taylor

Chairperson