

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**

Case Reference FTS/HPC/RP/23/3060

Property at 305 Amulree Street, Glasgow G327SJ ("the Property"), being the subjects registered in the Land Register of Scotland under Title Number GLA75863.

The Parties: -

Miss Nicola Grimes, residing at 305 Amulree Street, Glasgow G327SJ ("The Tenant"),

And

Mr Georgina Brown residing at 2 Duncryne Gardens, Glasgow G320SA ("The Landlord")

Whereas in terms of their decision dated 1st March 2024, 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 compliance with the following paragraphs of section 13(1) of the Act:

13(1) a. The house is wind and watertight and in all other respects reasonably fit for human habitation.

13(1) b. The structure and exterior of the house (including drains gutters and external pipes) are in a reasonable state of repair and in proper working order.

13(1) c. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.

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 specialist to
 - i. prepare a report on the dampness which affects the bedrooms in the Property and which details the cause and full extent of that dampness and
 - ii. prepare a proposed specification of works outlining any necessary works required to ensure that the Property is wind and watertight, and that the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair.
- b. Submit the report and specification required at Paragraph 26a to the Tribunal for further consideration and, thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure that the property meets the Repairing Standard.
- c. Repair the downpipe at the rear of the Property so that is in a reasonable state of repair and in proper working order.
- d. Instruct a suitably qualified "gas safe" engineer to Service and repair the boiler/central heating system, so that it is in a reasonable state of repair and in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed by not later than 10th May 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.

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 are executed by A Cowan, legal member of the Tribunal, at Glasgow on 15th March 2024 in the presence of the undernoted witness:-

L Campbell A Cowan