

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/RP/23/4288

Re: Property at 14G Keptie Street, Arbroath, DD11 1RG (“the Property”)

Title Number: ANG61429

The Parties:

Miss Leigh Hamilton, residing at 14G Keptie Street, Arbroath, DD11 1RG (“The applicant”)

Discovery Estates No2 Limited (formerly known as FTP Angus Ltd), a company incorporated under the Companies Acts and having their registered office at 165 Brook Street, Broughty Ferry, Dundee, Scotland, DD5 1DJ (“The respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

David Godfrey (Surveyor Member)

Whereas in terms of their decision dated 22 April 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 that:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation in terms of Section 13(1)(a) of the 2006 Act;
- (b) The structure and exterior of the house (including drains, gutters and external pipes) is in a reasonable state of repair and in proper working order in terms of Section 13(1)(b) of the 2006 Act;
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water

are in a reasonable state of repair and are in proper working order in terms of Section 13(1)(c) of the 2006 Act;

- (d) The fixtures and fittings provided by the respondent under the tenancy are in a reasonable state of repair and are in proper working order in terms of Section 13(1)(d) of the 2006 Act;
- (e) Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.

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

1. Repair or replace all the defective windows on the upper floor of the property.
2. Refit the carpets throughout the property, securing them adequately.
3. Repair or replace the kitchen units.
4. Repair or replace the mechanical extractor fans in both the kitchen and the bathroom.
5. Repair the leak at the rear of the toilet in the bathroom.
6. Refit and rehang the entrance close door so that it fits securely, ensuring the locking mechanism is properly engaged.
7. Provide the First-tier Tribunal for Scotland (HPC) with an up to date and clear EICR and PAT prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of 35 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, legal member of the tribunal, 20 York St, Glasgow G2 8GT, at Edinburgh on 22 April 2024 before Emma Doyle, 20 York St, Glasgow G2 8GT