

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Reference number:FTC/HPC/RT/24/0445

Parties:

1. Glasgow City Council per its employee Ms. Janice Carey, Neighbourhood, Regeneration and Sustainability, 231, George Street, Glasgow, G1 1RX as third-party applicant in terms of Section 22(1A) of the Act ("the Third -party Applicant");
2. Mr. Khalid Malik residing at Flat 1/1, 46, Herriet Street, Glasgow G41 2JY ("the Tenant")
3. Mohammed Ashfaq and Yasrat Bibi both residing at 17, Laggan Road, Glasgow G43 2SY ("the Landlord")

Property: Flat 1/1, 46, Herriet Street, Glasgow G41 2JY being the subjects registered under title sheet number GLA173308

Tribunal Members:

Karen Moore (Chairperson) and Nick Allan (Ordinary and Surveyor Member)

Notice to Landlord

4. Mohammed Ashfaq and Yasrat Bibi both residing at 17, Laggan Road, Glasgow G43 2SY ("the Landlord")

Whereas in terms of its decision dated 6 June 2024, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13 (1) (a), 13(1)(c), 13 (1) (d) and 13(1) (h) of the Act, the First-tier Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 6 August 2024 carry out all of the following:-

1. Install electrical mains supplied, inter-connected hard wired or, wireless long life battery, smoke and heat detectors in the Property to meet current Scottish Government guidelines;

2. To install correctly a carbon monoxide detector in the Property to meet current Scottish Government guidelines;
3. Repair or renew the defective flooring in the Property to ensure that it is securely fixed throughout and is free from trip hazards;
4. Refit or replace the flooring coverings in the Property to ensure that they are in good condition, securely fixed and free from trip hazards;
5. Repair or replace the cooker so that it is fully functional and not in a state of disrepair;
6. Engage a suitably qualified window contractor to repair or replace all windows in the Property to ensure that the windows are wind and watertight, are in proper working order and are capable of opening and closing securely and safely, to include all necessary reglazing, new ironmongery, draught proofing and sealing to ensure that the Property is capable of being properly ventilated;
7. Engage a suitably qualified building maintenance contractor to repair the plaster work in the bathroom and the damaged plaster work and skirting boards in the hallway;
8. Engage a suitably qualified heating engineer to repair or replace the heating and hot water system in the Property to ensure that it complies with Annex D: Installations for space heating by a fixed heating system of the "Scottish Government's Repairing Standard Statutory Guidance for Private Landlords Directive";
9. Engage an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme to repair or replace the switch for the electric shower;
10. Produce a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category and, where applicable, the outcome in respect of the individual areas should be appropriately marked with a "tick" if in an acceptable condition.
11. Produce a current Portable Appliance Test Certificate for the Landlord's appliances in the Property. The Certificate requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT or other accredited registered scheme who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme and should confirm that all such appliances are safe to use.
12. Produce a Gas Safety Certificate for the Property. The Certificate requires to be prepared by an engineer register with the Gas Safe Register or other accredited or registered scheme.

13. Ensure that all works required above are carried out in accordance with the standards set out in the Scottish Government's Repairing Standard Statutory Guidance for Private Landlords Directive, the Tolerable Standards Guidance and the Domestic Technical Handbook all of which documents are in the public domain and can be accessed through the Scottish Government's website at <https://www.gov.scot/publications> and
14. Make good all décor disturbed as a result of these works.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 6 June 2024 before this witness, Norman William Moore,

N W Moore

K Moore

Witness