

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/23/4690

Title no: ANGUS 6804

G/1 10 Isla Street, Dundee DD3 7HT (“The Property”)

The Parties:-

- **Dundee City Council - Private Sector Services, 5 City Square, Floor 3, Dundee DD1 3BA (“The Third Party Applicant”)**
- **Mr Surinder Sidhu, 6 Muirfield Place, Dundee DD3 8PR (Owner of the Property “the Landlord”)**
- **Mr Raju Ahmed, G/1 10 Isla Street, Dundee DD3 7HT (“the Tenant”)**

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr Greig Adams - Ordinary Member (Surveyor)

Whereas in terms of their decision dated 22nd May 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;
- 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;
- c) 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;

- d) Any fixtures, fittings and appliances provide by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- 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) To instruct a Chartered Building Surveyor or Property Care Association Consultant/Contractor to inspect and report on the mould contamination, dampness and water ingress affecting the Bedrooms and Kitchen. Report to include assessment of underlying causes of all areas of water ingress, condensation and mould contamination affecting the Bedrooms and Kitchen and provide any recommendations for any remedial works and/or further actions to attend to these issues. Issue to the Tribunal the report obtained for further consideration.
- b) To fit new/replacement draughtproofing measures such as mechanically fixed proprietary draught strips to the full perimeter of the entrance door to prevent all unreasonable air infiltration and draughts whilst ensuring that the entrance door opens and closes without impairment following completion of such works.
- c) To hack off and replace all cracked, boss and failed render around the Kitchen and Bedroom windows, remove and replace perimeter sealants serving the Kitchen and Bedroom windows.
- d) To provide a Gas Safety Certificate for the house from a Gas Safe Registered Engineer addressing the working order, condition and safety of the gas installation and the Boiler and issued within the last six months and should also address whether there is a carbon monoxide alarm which complies with the statutory guidance in the house.
- e) 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. Any C1 or C2 faults noted in the report must be resolved.
- f) 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 22nd May 2024 in the presence of the undernoted witness: -

C.Tracey _____ witness

G Miller _____ chairperson