

Housing and Property Chamber
First-tier Tribunal for Scotland



First-tier Tribunal for Scotland Housing and Property Chamber) (“the Tribunal”)

REPAIRING STANDARD ENFORCEMENT ORDER UNDER SECTION 24 (2) OF THE HOUSING (SCOTLAND) ACT 2006

Case Reference FTS/HPC/RT/24/1366

The Haven, 27 St John Street, Stranraer, DG9 7EW being the subjects registered in the Land Register of Scotland under Title Number WGN3910 (“the Property”)

The Parties:

Ms Amanda Green, Dumfries and Galloway Council, Housing and Licensing Standards, Malitia House, English Street, Dumfries, DG1 2HR (“Third Party and Applicant”)

Mr On Ken Chung, (otherwise known as Kenny Chung) formerly residing at 9 Fisher Street, Stranraer, DG9 7LH and now at 71 Dalrymple Street, Stranraer (“The Landlord and Respondent”)

Ms Natasha McGaw or Alexander, formerly residing at The Haven, 27 St John Street, Stranraer, DG9 7EW (“The Tenant”)

**NOTICE TO
ON KEN CHUNG, (OTHERWISE KNOWN AS KENNY CHUNG) (THE
RESPONDENT/LANDLORD)**

WHEREAS in terms of its decision dated 26 August 2024 the tribunal determined that the landlord has failed to comply with the duty imposed by section 14 (1) of the Housing (Scotland) Act 2006 in respect of sections 13(1) (a), (b), (c) (d) and (h) of the said Act. The tribunal now therefore requires the landlord 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.

The tribunal makes a repairing standard enforcement order (“RSEO”) in the following terms: -

The landlord must within **6 weeks** of the date of this order carry out all of the following:-

1. Instruct an inspection and testing of the entire electrical installation in the Property for the purposes of preparing an Electrical Installation Condition Report. The report should be prepared by a suitably qualified electrician registered with NICEIC, SELECT or NAPIT. The report shall be produced to the tribunal and be in clear terms with no outstanding items marked C1 or C2 to ensure that all electrical fittings and fixtures within the Property are in working order and meet the repairing standard. In the event that the landlord has supplied any portable appliances as part of the tenancy then evidence of satisfactory PAT testing must also be supplied.
2. To have prepared and produce to the tribunal a current Gas Safety Record for the property prepared by a suitably qualified and gas safe registered engineer which shows that the boiler, all associated pipework, radiators and any other gas appliances have been checked, repaired as necessary and are in a safe and proper working order.
3. Ensure there are sufficient smoke and heat detectors in the property, that they are all in the correct position, in proper working order and interlinked to comply fully with current Scottish Government Guidance for the satisfactory provision for the detection and warning in the event of fire and suspected fire and provide evidence to the Tribunal.
4. Repair or renew the defective windows in the bathroom, kitchen and living room to ensure that they are in a reasonable state of repair and proper working order, can be easily opened and closed and that there are no gaps between the window frames and the windowsills to ensure they are wind and watertight.
5. Ensure that all rainwater goods and flashings are clear of vegetation and allow water from the roof to drain away properly.
6. Repair or replace as necessary the external rainwater goods, gutters and downpipes to leave them in a reasonable state of repair and in proper working order without any leakage, including ensuring that the gutters and downpipes are properly aligned to make sure the property is watertight, the structure and exterior of the property are in a reasonable state of repair and that the property meets the tolerable standard.
7. Ensure that the chimney is cleared of vegetation.
8. Carry out any necessary repairs to the external hall windowsill and clear vegetation from that sill.
9. Instruct a report from a suitably qualified roofing contractor to consider the roof structure of the property, which assessment should include :- (1) the roof structure, as there appears to be a dip in the ridge line and to assess if the roof structure has been compromised; (2) to assess if any tiles at the verge or ridge

(looking from the rear) are damaged or missing; and (3) provide a copy of that report 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 the Property meets the Repairing Standard.

RIGHT OF APPEAL

In terms of section 46 of the Tribunals (Scotland) Act 2014 a party 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 the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or, finally determined by confirming the decision, the decision and the order will be treated as having effect from the date in which the appeal is abandoned or, so determined.

Melanie Barbour

Jamie Buchanan

Legal Member

4 September 2024

Date

Witness

Jamie Buchanan
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