

# Housing and Property Chamber First-tier Tribunal for Scotland



## Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

**Chamber Ref: FTS/HPC/RP/24/1409**

**45D New Street, Stevenston, KA20 3HD being the subjects registered in the Land Register of Scotland under Title number AYR59515 (“the Property”)**

**The Parties:-**

**Geoff Lawrence residing at 45D New Street, Stevenston, KA20 3HD (“The Tenant”)**

**Mrs Andrea Gibson, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, KA22 8DG (“The Tenant’s Representative”)**

**James and Susan Patrick and John and Tracey Patrick trading as Just Property of 21 Adair Avenue, Saltcoats, KA21 5QS (“The Landlords”)**

**Tribunal Members:**

**Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)**

### **NOTICE TO the Landlords**

Whereas in terms of their decision dated 30<sup>th</sup> August 2024 the Tribunal determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that The Property is wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order and the installations in the Property for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and proper working order.

The Tribunal now requires the Landlords 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.

In particular the Tribunal requires the Landlords to:

1. Exhibit a valid and compliant EICR Certificate.
2. Provide a report by a qualified electrician reporting on the external wiring in the common close and confirming that it complies with the relevant regulations and is unaffected by visible damp.
3. Monitor the effectiveness of the recent roof repair above the kitchen, ensuring that the wall/ceiling plaster dries satisfactorily, complete any further damp prevention repair to the area if subsequently established to be necessary and redecorate and repair the affected plaster as required.
4. In the event that the recent roof repair was not effective, repair the roof to render it wind and water tight.
5. Repair the kitchen walls to render them free from damp.
6. Repair the chimney cowl to render it in proper working order.

The Tribunal orders that these works must be carried out and completed by 30<sup>th</sup> November 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.**

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 a landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 typewritten on this and the preceding page are subscribed at Glasgow on 30<sup>th</sup> August 2024 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Carol Jones, Glasgow Tribunal Centre, York Street, Glasgow.

Signed..... **Jacqui Taylor** .....

Chairperson

... **Carol Jones** ...witness