

# Housing and Property Chamber First-tier Tribunal for Scotland

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## **Repairing Standard Enforcement Order**

**Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)**

(Hereinafter referred to as “the tribunal”)

**Case Reference Number: FTS/HPC/RP/24/2252**

**Re: 15/6 Moray Park Terrace, Edinburgh EH7 5TF (“the house”)**

**Land Register Title No: MID12604**

**The Parties:-**

**Mrs Urszula Molenda, residing at the house (“the tenant”)**

**Mrs Sophie Bennett, Community Help and Advice Initiative, 28 Westfield Avenue, Edinburgh, EH11 2QH (“the tenant’s representative”)**

**PBD Property Ltd, 24 West Nicolson Street, Edinburgh EH8 9DD (“the landlord”)**

**Tribunal Members: Sarah O’Neill (Chairperson) and Andrew McFarlane (Ordinary (Surveyor) Member)**

**NOTICE TO: PBD Property Ltd (the landlord)**

Whereas in terms of its decision dated 28 October 2024, the tribunal determined that the landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and in particular that the landlord has failed to ensure that the house meets the repairing standard in that:

- the house is not wind and watertight and in all other respects reasonably fit for human habitation.
- the installations in the house for the supply of 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
- the fixtures, fittings and appliances provided by the landlord under the tenancy are not in a reasonable state of repair and in proper working order

- the house does not meet the tolerable standard, as it does not have an interlinked system of fire and smoke alarms and adequate carbon monoxide alarms

The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The tribunal now requires the landlord to carry out such work as is necessary for the purpose of ensuring that the house meets the repairing standard, and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular, the tribunal requires the landlord to:

1. Provide an up to date gas safety certificate in respect of the house by a Gas Safe registered engineer, showing that all gas installations and appliances, including the boiler and water heating system, within the house, have been checked and are working safely.
2. Engage an appropriate and suitable qualified specialist to examine the gas fired central heating boiler and carry out such work as is necessary to ensure that heating and a supply of domestic hot water is provided and that these are in a reasonable state of repair and in full working order.
3. Repair or replace the oven door, or if not possible replace the entire oven, to leave it in a reasonable state of repair and in full working order.
4. Repair or replace the shower tray in the en-suite shower room to ensure that the shower is in a reasonable state of repair and in full working order.
5. Engage suitably qualified contractors to:
  - a) inspect all windows, except the two narrow windows, one in the kitchen and one in living room, and overhaul, repair or replace seals to the opening sashes where necessary to ensure that the windows are wind and watertight.
  - b) inspect all trickle vents and overhaul, repair or replace to leave these in a reasonable state of repair and in proper working order.
  - c) inspect all mechanical extract ventilation units and overhaul, repair or replace to leave these in a reasonable state of repair and in proper working order
6. Install interlinked smoke and heat detectors within the property, ensuring that they are fully functional and located and powered in accordance with the current requirements set out in [Scottish Government guidance on fire detection in private rented properties](#)

The tribunal orders that all of the works specified in this order must be carried out and completed within the period of three months from the date of service of this notice.

## Rights of Appeal

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.

**Please note that in terms of section 28(1) of the Housing (Scotland) Act 2006, 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 typewritten on this and the two preceding pages are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the twenty-eighth day of October, Two Thousand and Twenty-Four before this witness –

M. Hussain witness Sarah O'Neill Chairperson

Miriam Oliphant Hussain name in full

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