

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/24/0441

43, Springfield Square, Bishopbriggs, G64 1PU being the subjects registered in the Land Register of Scotland under Title Number GLA180631("the Property")

The Parties:-

Ms Aiyeke Olagboye residing at 43, Springfield Square, Bishopbriggs, G64 1PU ("The Tenant")

Raymond Heath, East Dunbartonshire Citizens Advice Bureau ('The Tenant's Representative')

Shalinder Kaur Kamboh residing at 5 Tay Crescent, Bishopbriggs, Glasgow G64 1EU ("The Landlord")

Martin and Co, 172 Woodlands Road, Glasgow, G3 6LL ('The Landlord's Representative')

Ms S Wooley, Bannatyne, Kirkwood France and Co, Solicitors ('The Landlord's solicitor')

Tribunal Members:

Jacqui Taylor (Chairperson) and Carol Jones (Ordinary Member)

NOTICE TO the Landlord

Whereas in terms of their decision dated 6th December 2024 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 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 Tribunal now 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.

In particular the Tribunal requires the Landlord to:

1) Continue to assist the tenant to monitor the levels of humidity within the property and provide a record of Hygrometer readings to the Tribunal for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard.

2) Carry out further investigations into the possible causes of condensation and damp in the walls in the property and the floor of the front bedroom, including the possibility of the cavity wall insulation contributing to the dampness/ condensation and provide a report to the Tribunal prepared by a specialist contractor on these matters for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard.

3) Carry out works to ensure the underfloor vents to the rear of the property are in a reasonable state of repair and situated above ground level.

The Tribunal orders that these works must be carried out and completed by 28th February 2025.

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 and 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 are typewritten on this and the preceding page are subscribed at Dundee on 11th December 2024 by J

Taylor, chairperson of the Tribunal in the presence of the witness E Dickson, 20 York Street, Glasgow, G2 8GT.

J Taylor E Dickson