

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)

Reference number: FTS/HPC/RP/23/4306

Re: Property at 12 Pladda Avenue, Broomlands, Irvine, North Ayrshire KA11 1DR (registered under title number AYR42604) (“Property”)

The Parties:

Donna Todd, 12 Pladda Avenue, Broomlands, Irvine, North Ayrshire KA11 1DR (“Tenant”)

CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, North Ayrshire KA11 8DG (“Tenant’s Representative”)

Ka Ming Leung, 63 Beecheno Road, Norwich NR5 8TP (“Landlord”)

Wallace Hodge, Solicitors, 6 Burns Statue Square, Ayr KA7 1UP (“Landlord’s Representative”)

Tribunal Members :

Joan Devine (Legal Member); Andrew McFarlane (Ordinary Surveyor Member)

NOTICE TO: Ka Ming Leung (“the Landlord”)

Whereas in terms of its decision dated 27 November 2024, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006.

The Tribunal now requires the Landlord to carry out such work as are necessary for the purpose 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 before the date specified in this order.

In particular the Tribunal requires the Landlord to :

- 1. Ease and adjust the front door to ensure it closes properly.**
- 2. Ease and adjust the living room door to ensure it closes properly.**

3. **Ease and adjust the door to the bathroom on the upper floor to ensure it closes properly.**
4. **Appoint a suitably qualified contractor to examine the system for the distribution of heat in the Property and carry out works as necessary to ensure the radiator in the living room operates as intended.**
5. **In the kitchen adjust the kitchen cabinets to ensure the drawer adjacent to the sink can be opened and closed and the door to the cabinet to the right of cooker closes properly.**
6. **Repair or replace the damaged section of worktop adjacent to the sink area in the kitchen to leave in a reasonable state of repair.**
7. **Infill the gap in the plaster finish to the wall above the double socket above the freezer in the kitchen to leave ready for decoration.**
8. **Repair or replace the section of damaged flooring below the freezer in the kitchen in order to leave in a reasonable state of repair.**
9. **In the toilet on the ground floor, ensure the cistern is properly fixed to the wall.**
10. **Repair or replace the flushing mechanism in the toilet in the bathroom on the upper floor of the Property and refix the cistern to the wall.**
11. **Rehang the two wardrobe doors in bedroom 2 which are off runners.**
12. **Re-site the carbon monoxide detector in bedroom 1 in accordance with Scottish Government Guidelines. Particularly noting that the detector should not be in the cupboard containing the boiler but in the adjacent apartment.**
13. **Clear all weeds and debris from the gutters to leave in a reasonable state of repair.**

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 12 weeks 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 page are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 27 November 2024 in the presence of this witness : C Tracey

J Devine

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Legal Member