

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)

Chamber Ref: FTS/HPC/RP/24/2670

13 Elms Place, Stevenston, KA20 4EF, registered in the Land Register of Scotland under Title Number AYR100415 (“the Property”)

The Parties:-

Miss Karen Moriarty, 13 Elms Place, Stevenston, KA20 4EF (“the Tenant” and “the Applicant”)

CHAP, 71 Princes Street, Ardrossan, KA22 8DG (“the Tenant’s Representative)

Matthew Harkins and Heather Coulton, 30 Strathgryffe Crescent, Bridge of Weir, Renfrewshire, PA11 3LG (“the Landlord” and “the Respondent”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Lorraine Charles, Chartered Surveyor (Ordinary Member) (“the tribunal”)

NOTICE TO

Matthew Harkins and Heather Coulton

Whereas in terms of its decision dated 13 January 2025, the First-tier Tribunal for Scotland (Housing and Property Chamber) (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, the Tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act 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 is required to:

1. **Produce to the Tribunal a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT, or other suitable accredited registered scheme, who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category. PAT testing documentation for any portable appliances supplied by the Landlord should also be produced which has been prepared by a similarly qualified and accredited electrician.**
2. **Produce to the Tribunal a current Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register.**
3. **Install functional interconnected smoke detectors in the lounge, ground and first floor and a heat detector in the kitchen which all meet Scottish Government guidelines.**
4. **Repair or renew the windows in the lounge, kitchen, main bedroom and bathroom to ensure that they are in good and efficient working order and draught free.**

The Landlord is required to comply with the RSEO before 3 March 2025.

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 typewritten on this and the preceding page are executed by Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland, at Glasgow on 13 January 2025 before Ni Allan

N Allan M McAllister