

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Variation of Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25**

**Chamber Ref: FTS/HPC/RT/23/4690**

**Title no: ANGUS 6804**

**G/1 10 Isla Street, Dundee DD3 7HT (“The Property”)**

**The Parties:-**

- **Dundee City Council - Private Sector Services, 5 City Square, Floor 3, Dundee DD1 3BA (“The Third Party Applicant”)**
- **Mr Surinder Sidhu, 6 Muirfield Place, Dundee DD3 8PR (Owner of the Property “the Landlord”)**

**The Tribunal comprised:-**

Ms Gabrielle Miller	-	Legal Member
Mr Greig Adams	-	Ordinary Member (Surveyor)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 22<sup>nd</sup> May 2024 that the **RSEO** relative to the House served on 4<sup>th</sup> September 2024 should be varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for 3 months from the date of service of this variation.
2. The steps which the Tribunal require the Landlord to take in complying with the order are amended as follows :-
  - a) To instruct a Chartered Building Surveyor or Property Care Association Consultant/Contractor to inspect and report on the mould contamination, dampness and water ingress affecting the Bedrooms and Kitchen. Report to include assessment of underlying causes of all areas of water ingress, condensation and mould contamination affecting the Bedrooms and Kitchen and provide any recommendations for any remedial works

and/or further actions to attend to these issues. Issue to the Tribunal the report obtained for further consideration.

- b) To fit new/replacement draughtproofing measures such as mechanically fixed proprietary draught strips to the full perimeter of the entrance door to prevent all unreasonable air infiltration and draughts whilst ensuring that the entrance door opens and closes without impairment following completion of such works.
- c) To hack off and replace all cracked, boss and failed render around the Kitchen and Bedroom windows, remove and replace perimeter sealants serving the Kitchen and Bedroom windows.
- d) To provide a Gas Safety Certificate for the house from a Gas Safe Registered Engineer addressing the working order, condition and safety of the gas installation and the Boiler and issued within the last six months and should also address whether there is a carbon monoxide alarm which complies with the statutory guidance in the house.
- e) To provide to the Tribunal an up-to-date Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT dated after the date of this Order. Any C1 or C2 faults noted in the report must be resolved.
- f) To provide to the Tribunal an up-to-date Portable Appliance Test certificate for the electrical appliances provided by the landlord, completed by a suitably competent person.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does apply in this case.

**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.

In witness whereof these presents type written on this and the preceding page are executed by Gabrielle Miller, legal member of the Tribunal, at Glasgow on the 22<sup>nd</sup> January 2025.

G Miller\_\_\_\_\_ Legal Member