

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

FTS/HPC/RP/24/2686

Property: 11 PF Cathcart Place (GF), Edinburgh EH11 2HD ('The House')

Title reference: MID242984

The Parties: -

Mamataz Begum Rashid, 5/11 Westfield Court, Edinburgh EH11 2RL ('the landlord')

Habibul Alam Kazi and Shafreen Akhtar 11 PF Cathcart place (GF), Edinburgh EH11 2HD ("the tenants")

Whereas in terms of their decision dated 28 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 Act") and in particular that the Landlord has failed to ensure that: -

- **the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order**
- **the house is wind and watertight and in all other respects reasonably fit for human habitation**
- **any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.**

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House concerned 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. Remove the base kitchen storage units, sink and worktops in order to repair or replace the rotten floor and missing or defective wall linings, to render them wind and watertight. The repairs should use materials suitable to prevent vermin from entering the interior of the property and to prevent the outbreak of fire behind the gas hob.
2. Provide to the Tribunal for their approval, vouching photographs and detailed invoices and receipts of the work carried out.
3. Thereafter to renew the base kitchen storage units, sink and worktop so that they are in a reasonable state of repair and in proper working order.
4. Exhibit to the Tribunal a new satisfactory Gas Safety Certificate from a suitably qualified Gas Safe engineer in respect of the gas installation, the central heating boiler and the gas hob.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 3 months 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(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on 28 January 2025 in the presence of the undernoted witness: -

Eilidh Meikle

witness

Mary-Claire Kelly

Legal Member

Eilidh Meikle

c/o c/o Glasgow Tribunals Centre 20 York Street, Glasgow, G2 BGT