

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**

Chamber Ref: FTS/HPC/RP/24/4204

Property: 26 New Road, Kennoway, Leven, KY8 5JR ('The House')

Title reference: FFE64995

The Parties: -

William Mitchell, The Elms, The Causeway, Kennoway, Leven ('the landlord')

Rosemary Morris, 26 New Road, Kennoway, Leven, KY8 5JR ("the tenant")

Whereas in terms of their decision dated 11 June 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 house is wind and water tight and in all other respects reasonably fit for human habitation**
- **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**
- **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 house meets the tolerable standard.**

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. Instruct a suitably qualified and SELECT, NAPIT or NICEIC registered electrician (i) to carry out a full inspection of the electrical installation throughout the house, the purpose of which inspection is to ensure that the electrical installations are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be repaired, replaced or renewed, including the defective double socket in the kitchen to ensure that the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") in accordance with Scottish Government statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of any portable electrical appliances provided by the Landlord.
2. Instruct a suitably qualified and Gas Safe registered engineer to carry out a certificated gas safety check on the gas heating system and any other gas appliances in the property and provide a copy of the gas safety record to the Tribunal.
3. Produce evidence or certification to demonstrate that the smoke and heat detectors in the property are fixed to the ceiling and interlinked. The evidence should also demonstrate that alarms are located in the living room, hallway, upper landing and kitchen in the property in compliance with Scottish government regulations on fire and smoke alarms.
4. Produce a legionella risk assessment for the house in accordance with the Scottish Government's publication "Repairing Standard: statutory guidance for private landlords", Annex D1 (D.28-D.35)
5. Carry out such repairs as are necessary to ensure the toilet in the ensuite shower room is in a reasonable state of repair and proper working order.
6. Carry out such repairs as are necessary to ensure the sealant surrounding the shower is in a reasonable state of repair and proper working order or replace the door and lock.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of six 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(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Glasgow on 11 June 2025 in the presence of the undernoted witness: -

witness

Norman Ferguson
c/o 20 York Street,
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