

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

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

(Hereinafter referred to as "the Tribunal")

Case Reference Number: FTS/HPC/RP/25/1954

Re: Craigview, Over Abington, Abington, Biggar ML12 6SF ("the Property")

Land Register Title No: LAN 153941

The Parties:-

Mrs Pauline McLemon and Mr Peter McLemon, residing at the house ("the Tenants")

Mr Craig Jenkins 2-4 Bowling Green Lane, Biggar ML12 6ES ("the Landlord")

Tribunal Members: Nicola Irvine (Chairperson) and Andrew McFarlane (Ordinary (Surveyor) Member)

NOTICE TO: Mr Craig Jenkins (the Landlord)

Whereas in terms of its decision dated 24 June 2025, the Tribunal determined that the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in that:

- There are gaps in the windows and door frames, resulting in draughts
- One of the kitchen ceiling lights was hanging loose and had exposed wiring
- The cooker connection point had no socket and had exposed wiring
- Several electrical sockets were not attached to the wall and several were damaged
- The shower power switch was hanging loose from the ceiling with exposed wiring
- The external oil storage tank had a hole in it

- Radiators were rusted
- Mould was observed in several areas including the kitchen ceiling, bathroom and bedrooms
- Holes in the kitchen wall and ceiling and the wall in the downstairs WC
- There was water leaking from the pipes in the bathroom and downstairs WC

The Tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The Tribunal now requires the Landlord to carry out such work as is 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. To produce a current satisfactory Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no Category C1 or C2 items of disrepair or FI items requiring further investigation.
2. Engage an appropriate and suitable qualified specialist to examine the oil-fired central heating boiler and carry out such work as necessary to ensure that heating and a supply of domestic hot water is provided and that these are in a reasonable state of repair and in proper working order.
3. Repair or replace the leaking oil storage tank, to leave in a reasonable state of repair and in proper working order.
4. Repair or replace the internal and external above ground pipework for disposal of wastewater from sanitary appliances in the bathroom and downstairs WC to ensure that it does not leak and is in a reasonable state of repair and in proper working order.
5. Check the water supply and distribution pipework around downstairs WC to ensure it is not leaking and is in a reasonable state of repair and in proper working order.
6. Remove damaged plasterboard to Kitchen ceiling and adjacent walls as necessary to allow reinstatement to leave reasonably fit for human habitation, particularly removing mould growth.

7. Seal gaps around window and door frames and adjacent internal finishes to ensure wind and watertight and to leave reasonably fit for human habitation.
8. Remove damaged plasterboard to walls as necessary in Kitchen, Downstairs WC and Bathroom to allow reinstatement (including currently missing areas) to leave reasonably fit for human habitation.
9. Instruct appropriate specialist to examine sewage treatment plant in garden ground and report on condition and if fully operational or not, with recommendations on actions, if any required to bring into a reasonable state of repair and in proper working order. Provide a copy of the report to the Tribunal to allow it to consider if further action needs to be ordered.
10. Make good any damage caused by carrying the works.

The Tribunal orders that all of 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.

Rights of Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

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 Housing (Scotland) Act 2006, 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 two preceding pages are signed by Nicola Irvine, solicitor, Chairperson of the First-tier Tribunal

(Housing and Property Chamber), at Glasgow on the 24th day of June, Two Thousand and Twenty-Five before this witness –

N Irvine