

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/23/0037

38 Ross Drive, Uddingston, G71 5NQ registered in the Land Register of Scotland under title number LAN84303 (“the Property”)

The Parties:-

Miss Mandy Eskdale, 38 Ross Drive, Uddingston, G71 5NQ (“the Tenant”)

Mr Jason Black (“the Tenant’s Representative”)

Ms Sana Akhtar, 62 Mount Lockhart, Uddingston, G71 7TQ (“the Landlord”)

Ms Rosaleen Doyle, Solicitor, McEwan Fraser Legal, Solicitors, Claremont House, 130 East Claremont Street, Edinburgh, EH7 4LB (“the Landlord’s Representative”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary)

NOTICE TO

Ms Sana Akhtar

Whereas in terms of their decision dated 7th April 2023, 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 determined to make a repairing standard enforcement order 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. renew or replace the central heating boiler ensuring that it is in a reasonable state of repair and in proper working order and capable of supplying a permanent supply of hot water and a satisfactory system of space heating throughout the Property.**
- 4. investigate and repair the defective roof covering ensuring that it is wind and watertight and in a reasonable state of repair.**
- 5. repair and renew where necessary the plasterboard ceiling panels in the attic space.**
- 6. investigate and repair the cause of the water ingress to the kitchen ceiling and thereafter repair the ceiling and make good the décor as required.**
- 7. repair or renew the electric shower, bath taps and hand held shower attachment to ensure that they are in effective working order.**

The Landlord is required to complete the works required by the RSEO and to produce to the Tribunal the gas safety certificate and electrical installation condition report before 23rd June 2023.

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.

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 typewritten on this and the two preceding pages are executed by **M J McAllister** legal member of the First-tier Tribunal for Scotland at on 7th April 2022 before **M Henning**