

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Determination: Housing (Scotland) Act 2006: Section 27

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”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary Member) (“the tribunal”)

Background

1. By application dated 15th December 2022, the Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 as amended (the 2006 Act). The application is in terms of Section 22 (1) of the 2006 Act (“the 2006 Act.”)
2. The Applicant and Respondent are parties to a private residential tenancy in respect of the Property. It is dated 23rd March 2022.
3. The application stated that the Property does not meet the repairing standard set out Section 13 of the 2006 Act: that the house is not wind and watertight and in all other respects reasonably fit for human habitation, that the structure and exterior of the Property (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order, that the

installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order and that the Property does not meet the tolerable standard. Specifically, the application states that the Landlord has failed to repair/replace a broken boiler, that the house is damp and freezing and with no running hot water and that a gutter repair is required.

4. On 23rd January 2023, a Notice of Acceptance was issued by a legal member of the Tribunal acting under delegated powers of the Chamber President.

Inspection and Hearing

5. An inspection of the Property was conducted on 4 April 2023 and was followed by a Hearing on the same date.
6. The tribunal determined to make a repairing standard enforcement order ("RSEO") in the following terms:

The Landlord was required to:

- 6.1 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.**
- 6.2 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.**
- 6.3 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.**
- 6.4 investigate and repair the defective roof covering ensuring that it is wind and watertight and in a reasonable state of repair.**
- 6.5 repair and renew where necessary the plasterboard ceiling panels in the attic space.**
- 6.6 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.**

6.7 repair or renew the electric shower, bath taps and hand held shower attachment to ensure that they are in effective working order.

7. The Landlord was 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.

Reinspection

8. The Ordinary and Legal members reinspected the Property on 17 August and a copy of a report prepared by the Ordinary member is attached hereto.
9. A copy of the report was provided to parties and the Repsondent intimated that she agreed with the terms of the report and that she considered that the RSEO had been complied with.

Determination

10. The tribunal decided that the RSEO had been complied with and that it was appropriate to issue a certificate of compliance in terms of Section 60 (5) (b) of the 2006 Act.
11. In arriving at its determination, the tribunal relied on what it had found at the inspection and the terms of a Gas Safety Record dated 14 June 2023 and an Electrical Installation Condition Report dated 15 June 2023.

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.

M McAllister

Martin J. McAllister,
Solicitor, legal member of

the First-tier Tribunal.
12 September 2023