

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006

Property: 16/3 Magdalene Gardens, Edinburgh EH15 3DQ ("the Property")

Sasine Description: ALL and WHOLE the dwellinghouse known as 16/3 Magdalene Gardens, Edinburgh in the County of Midlothian, being the eastmost house on the first floor above the street or ground floor of the block of flatted dwellinghouses Numbers 16/1 to 16/6 (inclusive) Magdalene Gardens aforesaid of which it forms part, and being the subjects more particularly described in and in feu farm disposed by Feu Disposition by City of Edinburgh Council in favour of Tamala Orline Mhura, dated 18 February and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian 16 March, both months in the year 1999.

Chamber Reference: FTS/HPC/RP/17/0154

Ms Symone Flanagan, sometime residing at 16/3 Magdalene Gardens, Edinburgh EH15 3DQ ("the Tenant")

Ms Tamala Mhura, 41 Granton Mill Drive, Edinburgh EH4 4UD ("the Landlord")

Tribunal Members – George Clark (Legal Member/Chair) and Greig Adams (Ordinary Member/Surveyor)

Whereas in terms of their decision dated 3 April 2018, 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"), 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:

- (1) to exhibit to the Tribunal a current Gas Safety Certificate in respect of the Property, issued by a Gas Safe registered engineer
- (2) to exhibit to the Tribunal a current Electrical Installation Condition Report, containing no C1 or C2 items of disrepair and covering the electric shower installation, issued by an electrical contractor who is registered either with NICEIC or with SELECT
- (3) to exhibit to the Tribunal a satisfactory PAT Test report in respect of the portable appliances (the fridge-freezer and microwave oven) in the Property provided by the Landlord

(4) to carry out such works as are necessary to restore the kitchen units in the Property to proper working order, or to replace them

(5) to replace the vinyl flooring in the kitchen

(6) to carry out such repairs as are necessary to restore the laminate flooring throughout the Property to ensure that it can be used safely and that it no longer represents a tripping hazard and

(7) to carry out such repairs to the windows in the bathroom and the two rear bedrooms of the Property as are necessary to restore them to good working order and free from impairment.

The Tribunal order that the works required by this Order must be carried out within the period of 8 weeks from the date of service of this Order.

Right 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 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 George Barrie Clark, Chairperson of the Tribunal, at Lasswade, on 3 April 2018, before this witness, Valerie Elizabeth Jane Clark, residing at Droman House, Lasswade, Midlothian.

George Clark

..Legal Member/Chair

Valerie Clark

Witness