

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/17/0410

Title no/Sasines Description: MID137762

Property address: 19/11 Milton Street, Edinburgh EH8 8HA ("the house")

The Parties:- Mr Kai Tarafdar, residing at 19/11 Milton Street, Edinburgh EH8 8HA ("the tenant")

Mr Elliot Tait, 2 Brighthouse Park Gardens, Edinburgh EH4 6GY ("the Landlord")

Whereas in terms of their decision dated 14 February 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") and in particular that the landlord has failed to ensure that the house meets the repairing standard with reference to the following provision of Section 13 of the Act (as amended):-

- (a) Any fixtures or fittings or appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

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:-

- (a) To instruct a suitably qualified heating engineer to inspect and test the boiler in the property to ensure its proper working order and in addition to ensure that the application ventilation is safe and to attend to any such work as is identified in terms of such report.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of four weeks from the date of service of this Notice.

Right of Appeal

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 type written on this and the preceding page are executed by Mark Thorley, chairperson of the tribunal at Edinburgh on 23.1.18...(date) before this witness:-

Mark Thorley

____ witness

chairperson

ALISON GIBSON name in full

20 Hope Town Street Address

Edinburgh EH7 4QH
