

Housing and Property Chamber

First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Reference number: FTS/HPC/RP/17/0432

Parties: Miss Catherine McGunnigle residing at 25 Ruskin Lane, Kelvinbridge, Glasgow, G12 8EA ("the Tenant") and Triesman Associates Limited, a company incorporated under the Companies Acts (Company number 07556057) and having its registered office at Hallswelle House, 1 Hallswelle Road, London NW11 0DH ("the Landlords") and represented by Infiniti Properties Management Ltd, 1016, Argyle Street, Glasgow, G3 8LX ("the Landlords' Agents")

Property: 25 Ruskin Lane, Kelvinbridge, Glasgow, G12 8EA registered in the Land Register of Scotland under Title Number GLA219095

Tribunal Members

Karen Moore (Chairperson)

Mike Links (Ordinary Member)

Notice to Landlords

Triesman Associates Limited, a company incorporated under the Companies Acts (Company number 07556057) and having its registered office at Hallswelle House, 1 Hallswelle Road, London NW11 0DH ("the Landlords")

Whereas in terms of its decision dated 16 February 2018, the First-tier Tribunal for Scotland determined that the Landlords had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and, in particular, that the Landlords have failed to comply in respect of Sections 13 (1) (a), 13 (1) (b) and 13 (1) (c) of the Act and have failed to ensure that the Property is wind and watertight and reasonably fit for human habitation, that the structure and exterior of the Property (including drains, gutters and external pipes) is in a reasonable state of repair and in proper working order and that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair, the First-tier Tribunal now requires the Landlords to carry out the following works or other such works as are necessary for the

purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlords must on or before 30 March 2018:-

1. Instruct a Corgi registered plumber (i) to inspect the hot supply in the Property and (ii) to carry out such works as are necessary to that the hot water supply is sufficient and suitable for the Property;
2. Provide and install a mechanical ventilation device to the kitchen window;
3. Repair or replace (i) the main door to the Property and (ii) the paneling at the living room window to ensure that the Property is draught -free and is wind and watertight
4. Make good any décor damaged as a result of these works.

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

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding page are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 16 February 2018 before this witness, Norman William Moore, solicitor, Dunnswood House, 10 Dunnswood Road, Cumbernauld.

W Moore

Witness

K Moore