

Housing and Property Chamber
First-tier Tribunal for Scotland



The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)
Repairing Standard Enforcement Order (“RSEO”) under section 24 (1) of the Housing
(Scotland) Act 2006 (“the Act”)

Chamber Ref: FTS/HPC/RT/22/1343

Title number: REN91803

Re: Property at 2/1, 19 Neilston Road, Paisley, PA2 6LL (“the property”)

The Parties:

Renfrewshire Council Communities and Housing, Renfrewshire House, Cotton Street,
Paisley, Pa1 1BR per Mr Martin Salisbury (“the third party”)

Mr Stuart Miller, 2/1, 19 Neilston Road, Paisley, PA2 6LL (“the tenant”)

Ms Yuhan Yu, 2 Maryston Road, Glasgow, G33 1NU (“the landlord”)

Tribunal Members: Simone Sweeney (legal chairing member) Andrew Taylor (ordinary member)

NOTICE TO

Ms Yuhan Yu, 2 Maryston Road, Glasgow, G33 1NU

Whereas in terms of their decision dated, 10th August 2022 the Tribunal determined that the landlord has failed to comply with the duty imposed by section 14 (1) (b) of the Act and in particular that the landlord has failed to ensure that:-

The house is wind and water tight and in all other respects reasonably fit for human habitation (section 13 (1) (a) of the Act).

The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order (section 13 (1) (b) of the Act).

The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order (section 13 (1) (c) of the Act).

The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire (section 13 (1) (f) of the Act).

The house does not meet the tolerable standard ((section 13 (1) (h) of the Act).

The Tribunal now requires the landlord to carry out such work and produce such documentation 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 attach the radiator in the bedroom securely and safely to the bedroom wall;*
- 2. To repair or replace the hot water tap in the kitchen to ensure that it is fully operational;*
- 3. To investigate and repair the cause of water ingress above the oriel window in the living room;*
- 4. To investigate and repair the cause of water ingress at the ceiling in the hallway;*
- 5. To repair or replace the casement at the centre oriel window in the living room to ensure that it is capable of opening and closing, securely;*
- 6. To repair or replace all fire detection equipment to ensure that the complete installation is interlinked;*

7. *To make good all plaster work and decoration arising from any of these repairs or works.*

The Tribunal order that the works specified in this Order must be carried out and completed **within the period of 31 days** from the date of service of this Notice.

A landlord, tenant or third party aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 page and the preceding page are executed by S. Sweeney, legal chairing member of the Tribunal at Glasgow on 26th August 2022 before this witness:-

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B. Divers, witness, 10th August 2022, 1 Calton Place, Glasgow, G5 9DA

