

Housing and Property Chamber First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/RP/19/3193

Title number: REN109320

Property: 5 Sunnyside Place, Barrhead, Glasgow, G78 2RT ("the property")

The Parties:-

Mr Kehinde Sojoni-Alogi, 5 Sunnyside Place, Barrhead, Glasgow, G78 2RT ("the tenant")

Mr Rizwan Ahktar, 7 Witchwood Grove, Newton Mearns, Glasgow, G77 6GS ("the landlord") represented by Infiniti Properties, 1016 Argyle Street, Finnieston, Glasgow, G3 8LX ("the letting agent")

Tribunal members: Simone Sweeney (legal chairing member) and Nick Allan (ordinary surveyor member)

NOTICE TO

Mr Rizwan Ahktar, 7 Witchwood Grove, Newton Mearns, Glasgow, G77 6GS ("the landlord")

Whereas in terms of their decision dated 3rd February 2020 the First-tier tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the landlord has failed
S Sweeney

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 is wind and water tight and in all other respects reasonably fit for human habitation (section 13 (1) (a))

The structure 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))

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))

Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order (section 13 (1) (d))

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 repair or replace the installations in the house for the supply and heating of water to ensure that there is an adequate supply of hot water in the property.*
2. *To repair or replace as necessary all windows to ensure that they are wind and water tight.*
3. *To repair or replace as necessary the trickle vents at the windows to ensure that they are in a reasonable state of repair and in proper working order.*
4. *To repair or replace as necessary the internal doors at the living room, kitchen, bathroom and bedroom 1 to ensure that they are in a reasonable state of repair and in proper working order.*
5. *To have a suitably qualified expert investigate the source of the dampness throughout the property and to produce a report showing findings.*
6. *To produce an Electrical Installation Condition Report ("EICR") from a registered member of SELECT or NICEIC post dating this order.*

S Sweeney

7. *To repair or replace as necessary the ceiling in the kitchen and kitchen cupboard ensuring that the ceiling is dry.*

The Tribunal order that the works specified in this Order must be carried out and completed **within the period of 6 weeks** 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 Simone Sweeney, legal chairing member of the Tribunal at Glasgow on 3rd

February 2020 before this witness:-

S Sweeney

.....
Simone Sweeney, legal chairing member, 3rd February 2020

B Divers

.....
Barry Divers, witness, 3rd February 2020, Glasgow