

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006, Section 24(2)

Chamber Ref: FTS/HPC/RP/21/1786

**37 William Street, East Wemyss, Kirkcaldy, KY1 4PG (Title number FFE79779)
("the Property")**

The Parties:-

Hurrikane Properties Limited, incorporated under the Companies Acts (Registered Number SC655545), having its registered office at 14 City Quay, Dundee, United Kingdom, DD1 3JA ("the Respondent")

NOTICE TO HURRIKANE PROPERTIES LIMITED (the RESPONDENT / LANDLORD)

WHEREAS in terms of its decision dated 20 April 2022 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 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in the following respects:

- "(a) the house is wind and watertight and in all other respects reasonably fit for human habitation;*
- (b) 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,*
- (d) Any fixtures, fittings and appliances provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed; and*
- (h) the house meets the tolerable standard.*

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 provide a copy of a current Electrical Installation Condition Report (EICR) for the Property carried out after the repair or replacement of the ceiling lights in the living room and bedroom (in or about 2021).
2. To provide a copy of the Portable Appliance Test (PAT) Certificate for the portable appliances provided by the Respondent in the Property.
3. To repair or replace the missing and damaged sections of fencing at the rear of the back garden of the Property to put it in a reasonable state of repair and in proper working order.

The tribunal orders that the works specified in this Order must be carried out and completed within 28 days 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 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 an 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 two preceding pages are executed by Ms. Susanne L M Tanner, Queen's Counsel, Legal Member and chair of the tribunal

S Tanner

Legal Member / Chair

signed on 21 April 2022 (date) at EDINBURGH

before this witness:-

C MacQueen

Witness

CATRIONA MACQUEEN

name in full

PARLIAMENT HOUSE,

Address

PARLIAMENT SQUARE, EDINBURGH, EH1 1RF.