

# Housing and Property Chamber First-tier Tribunal for Scotland

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## 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/22/0263

**Property Address:** Flat 4/2, 75 Port Dundas Road, Glasgow G4 0HF (“the property”)

**The Parties:** Mrs Abeer Alghamdi, Flat 4/2, 75 Port Dundas Road, Glasgow G4 0HF (“the applicant”)

Lowther Homes Ltd, 25 Cochrane Street, Glasgow G1 1HL (“the respondent”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)

Whereas in terms of their decision dated 10 June 2022 the First-tier tribunal for Scotland (Housing and Property chamber) (“the tribunal”) determined that the respondent 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 respondent has failed to ensure that the house meets the repairing standard with reference to the following provisions of section 13 (1)(a) of the act as amended:-

- 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.
- Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The tribunal now requires the landlord to carry out such work as is necessary for the purpose of ensuring that the property 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: -

- To fix an inner cover to the letterbox within the hall.
- To fix a wall mounted carbon monoxide detector in the living room to be located at a distance between 1-3 metres from the boiler and above all door and window openings in terms of the current statutory guidance.
- To ensure that the smoke detectors in the living room and hall and the heat detector in the kitchen are interlinked in terms of the current statutory guidance.
- In the main bathroom off the hall to instruct a suitably qualified plumber to investigate the cause of the smell within the bathroom and any potential water leakage/damage, produce a report to the Tribunal and to make good any recommended repairs in respect of any findings of that investigation.
- In the en-suite shower room in respect of the sewage smell to instruct a suitably qualified plumber to investigate the cause of the smell and the issue with the shower tray and the drain, produce a report to the Tribunal and to carry out any recommended work identified within the report.

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

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 finally 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 respondent 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 respondent (and that includes any 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 that house. This is in terms of Section 28(5) of the Act.

A Gibson

M Thorley

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Witness

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Chairperson

Alexander GIBSON  
20 Hopekain Street  
Edinburgh EH7 4GH