

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24(2)**

Chamber Ref: FTS/HPC/RP/22/2126

Property Address: **Property Address:** 5/1 East Pilton Farm Crescent,
Edinburgh EH5 2GF ("the property")

The Parties: Ms Natasha McGourt, Granton Information Centre, 134-
138 West Granton Road, Edinburgh EH5 1PE ("third
party applicant")

Mr Richard Elby, 3 Causton Way, Rayleigh SS6 8DD
("the landlord")

Tribunal members:

Mr Mark Thorley (Legal)
Ms Sara Hesp (Ordinary)

Whereas in terms of their decision dated 28 November 2022 the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') has determined that the landlord 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:

- (a) The installation to the house of the supply of water, gas, electricity, and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- (b) The fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

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: -

- a) Take such reasonable steps as are required to ensure that the boiler is in proper working order to ensure that there is an adequate heating supply;
- b) To provide a copy of the gas safety certificate;
- c) To level the flooring in the kitchen/livingroom.
- d) To site appropriately the carbon monoxide detector

The tribunal orders that the work specified in this order must be carried out within a period of three 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

 ALISON GIBSON Name in Full

Witness

 Chairperson

15 December 2022

 Date