

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**

Chamber Ref: FTS/HPC/RP/19/2973

**3 North Burnside, Cupar, Fife KY15 4BQ
("The Property")**

Title No: FFE22570

The Parties:-

**Mr Harry Moffat, formerly residing at 3 North Burnside, Cupar, Fife KY15 4BQ
("the Tenant")**

**Dalglan (No 1008) limited and Mr David Headen, Harvest Moon, Burnside,
Tayport, Fife DD6 9PB
("the Landlord")**

Whereas in terms of their decision dated 12 February 2020, The First-tier Tribunal for Scotland (Housing and Property Chamber) ('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 ("The Act") and in particular that the landlord has failed to ensure that:-

- (a) 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 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) To provide an Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT dated after the date of this order and confirming that the electrical installations in the property meet the current standards.

- (b) To install smoke detectors in all rooms and circulation areas except bathrooms. These must all be mains wired, interlinked to existing smoke and heat detectors and certified by a competent electrical contractor registered with SELECT or NICEIC.
- (c) To provide a current Gas Safety Certificate by a suitably qualified gas engineer dated after the date of this order.
- (d) To replace the floors throughout the property.
- (e) To make good the walls and ceilings throughout the property.
- (f) To replace the skirting boards throughout the property.
- (g) To liaise with the owner of the upper flat to replace the rotten ceiling joist in the second bedroom of the property.
- (h) To remove the glass door in the front room of the property and replace with a wooden frame and plasterboard.
- (i) To reinstate the bathroom fittings into a reasonable state of repair and in proper working order.
- (j) To reinstate the kitchen including the oven and hob into a reasonable state of repair and proper working order.
- (k) To repair or replace the front door and put into a reasonable state of repair and proper working order.
- (l) To carry out such redecoration as may be required once the works have been completed.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 3 months from the date of service of this Notice.

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 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 and the preceding two pages are executed by Graham Harding, solicitor, 20 York Street Glasgow, chairperson of the tribunal at Kirkcaldy on 12 February 2020 before this witness:-

E Onwa

G Harding

witness

Chairperson

ESTHER ONWA

name in full

20 YORK STREET

Address

GLASGOW

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