

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/RT/22/1745

Title no: ANG13795

**G/1 44 Main Street, Dundee DD3 7HN
("The Property")**

The Parties:-

**Private Sector Services Unit, Dundee City Council, 5 City Square Dundee DD1
3BA
("the Third Party Applicant")**

**Mr Ravi Lal, G1 44 Main Street, Dundee DD3 7HN
("the Tenant")**

**Mr Ghulam Qadar and Mrs Zahida Qadar, 367 Clepington Road Dundee DD3
8ED
("the Landlords")**

Whereas in terms of their decision dated 7 March 2023 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 the House:-

- (a) is wind and watertight and in all other respects fit for habitation;
- (b) its structure and exterior of the property (including drains, gutters and external pipes) were in a reasonable state of repair and in proper working order;
- (c) that the installations to 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;
- (d) any fixtures, fitting and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order; and
- (e) It 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 to provide:-

- (a) A current Gas Safety Certificate produced by a suitably qualified gas engineer.
- (b) An Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT dated after the date of this order.
- (c) A report by a suitably qualified building surveyor who is a member of the Royal Institution of Chartered Surveyors commenting on the causes of damp and mould in the property and the measures required to remedy the defects.

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.

In terms of Section 63 of the Act, 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 page are executed by Graham Harding, legal member of the Tribunal, at Perth on 9 March 2023 in the presence of the undernoted witness.

witness

GRAHAM HARDING name in full