

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**

Case Reference FTS/HPC/RT/23/2169

Property at 57 Jamieson Street, Glasgow G42 7HA, being subjects registered in the Land Register of Scotland under Title Number GLA41191 “the Property”).

The Parties: -

Glasgow City Council, per their employee, Mrs Toni Coyle, Private Sector Officer, 231 George Street, Glasgow G1 1RX, as third party applicant in terms of section 22(1A) of the Act (“the Third Party Applicant”) and

Mr Kenneth Brown, residing at 23 Jamieson Street, Glasgow G42 7HA (“The Landlord”), and

Mr Cippian Goman and Ms Somerda Rostas, both residing at 57 Jamieson Street, Glasgow G42 7HA (“The Tenants”)

Whereas in terms of their decision dated 2nd October 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 compliance with the following paragraphs of section 13(1) of the Act:

13(1) c. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;

13(1) d. Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order;

13(1) f. 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 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:-

1. To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.
2. To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
3. To provide evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006.
4. To repair or replace the letter box to the front door of the property.

The Tribunal order that the works specified in this Order must be carried out and completed within the period one month 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 are executed by Andrew Cowan, legal member of the Tribunal, at Glasgow on 2nd October 2023 in the presence of the undernoted witness:-

A Cowan

L Campbell

witness

Legal Member

_name in full

TC YOUNG, 7 WEST Address

GEORGE STREET,

GLASGOW, G2 1BA



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

STATEMENT OF DECISION of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 24 (1) of the Housing (Scotland) Act 2006

Property at 57 Jamieson Street, Glasgow G42 7HA, being subjects registered in the Land Register of Scotland under Title Number GLA41191 "the Property").

The Parties: -

Glasgow City Council, per their employee, Mrs Toni Coyle, Private Sector Officer, 231 George Street, Glasgow G1 1RX, as third party applicant in terms of section 22(1A) of the Act ("the Third Party Applicant") and

Mr Kenneth Brown, residing at 23 Jamieson Street, Glasgow G42 7HA ("The Landlord"), and

Mr Cippian Goman and Ms Somerda Rostas, both residing at 57 Jamieson Street, Glasgow G42 7HA ("The Tenants")

Andrew Cowan (Chairman) and Andrew McFarlane (Ordinary(Surveyor) Member)

Background

1. By application dated 29th June 2023 (hereinafter referred to as "the Application") the Third Party Applicant applied to the Tribunal for determination as to whether the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.

2. The Application stated that the Third Party Applicant considered that the Landlord had failed to comply with the duty to ensure the House meets the Repairing Standard and, in particular the Landlord had failed to ensure compliance with the following paragraphs of section 13(1) of the Act:

13(1) c. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;

13(1) d. Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order;

13(1) f. The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

13(1) g. The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

3. The Third-Party Applicant has stated, within the application, details as to why they consider the Landlord has failed to meet the Repairing Standard. By letter, dated 6th June 2023, the Third-Party Applicant had intimated to the Landlord a list of repairs which they considered required to be completed by the Landlord to ensure that the Property met the Repairing Standard. The Third Party had also requested that the Landlord provide them with a current Electrical Installation Completion Certificate and a Gas Safety certificate in respect of the Property.

4. A summary of the issues brought forward by the Third Party Applicant in the Application, which has been intimated to the Landlord, are: -

- a. The Landlord has not exhibited a current Electrical Installation Completion Certificate ("EICR") in relation to the Property.
- b. The Landlord has not exhibited a valid Gas Safety Certificate from a registered Gas Safe Engineer in relation to the Property.
- c. The Landlord has failed exhibit evidence that the Property has been fitted with smoke and heat detectors in accordance with existing Scottish Government guidance.
- d. The boiler at the Property does not operate and does not provide heat or hot water.
- e. The kitchen light fitting has exposed wiring.
- f. The letterbox at the front door of the property is missing.

5. This application was accepted by the Chamber President on 26th July 2023 and was referred for the Tribunal's consideration.

6. By letter dated 1st September 2023, issued to all parties, the Tribunal advised they would inspect the property on 2nd October 2023 at 10am. A hearing would then be held at 11:30 on the same date at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT.

Property Inspection

7. The Tribunal convened to inspect the Property on 2nd October 2023. The Tenants were present at the time of the inspection. The Landlord and the Third Party Applicant did not attend the inspection. Photographs were taken during the inspection by the Tribunal. Copies of the photographs taken by the Tribunal are attached as a schedule to this report.
8. At the inspection the Tribunal noted that:
 - a. There was a battery operated smoke detector on the upper floor landing of the Property. That smoke detector did not operate when tested. There was a further smoke detector which had recently been installed in the ground floor hallway of the property. That detector did operate when tested. The smoke detectors at the property did not meet the current Scottish Government guidance. There was no smoke detector in the living room of the property. There was no heat detector in the kitchen of the property. The smoke detectors which had been installed were not interlinked.
 - b. A new boiler had been installed at the Property. It appeared to operate correctly, and the Tenants confirmed it now provided heat and hot water in the Property.
 - c. The kitchen light fitting has exposed wiring.
 - d. The letterbox at the front door of the property is missing.

The Hearing

9. A hearing had been intimated to all parties and was held at 11:30 at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. None of the parties attended the hearing.
10. The Tribunal accordingly reached a decision in relation to the Application on the evidence which had been provided by the Applicant and on the basis of their own observations made during the inspection of the Property.

Findings in Fact

- a) The Landlord is letting the Property to the Tenants.

- b) By Letter to the Landlord, dated 6th June 2023, the Third Party had requested written evidence from the Landlord including:
- i. an Electrical Installation Completion Certificate ("EICR") in relation to the Property
 - ii. a valid Gas Safety Certificate from a registered Gas Safe Engineer in relation to the Property
 - iii. evidence that the Property has been fitted with smoke and heat detectors, and a carbon monoxide detector, in accordance with existing Scottish Government guidelines.
- c) The Landlord has failed to provide the documentation requested by the Third Party Applicant's letter dated 6th June 2023.
- d) The Landlord has failed to demonstrate that the Property meets the Repairing Standard in relation to the matters raised by the Third Party in their letter dated 6th June 2023 (with the exception of the issued raised in relation to the boiler at the Property, which has now been replaced).
- e) The Property does not currently meet the Repairing Standard and in particular the Landlord has failed to comply with subsections (c)(d) and (f) of Section 13(1) of the Act.

Reasons for Decision

11. The Tribunal were satisfied, on the written evidence which accompanied the Application that the Landlord had failed to demonstrate that the Property meets the Repairing Standard in relation to those matters raised by the Third Party in their Application.

Decision

12. The Tribunal accordingly determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
13. The Tribunal proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act. The Tribunal determined to require the Landlord:
- a) To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current

regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.

- b) To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations.
- c) To provide evidence showing the installation of smoke detectors, heat detectors and carbon monoxide detectors within the property in compliance with the requirements set out in the guidance issued by the Scottish Government in terms of the Housing (Scotland) Act 2006.
- d) To repair or replace the letter box to the front door of the property.

14. The Tribunal order that the works specified in the RSEO must be carried out and completed within the period of one month from the date of service of this Notice.

15. The decision of the Tribunal is unanimous.

A Cowan

Chairperson
Andrew Cowan

Date 2nd October 2023

Housing and Property Chamber

First-tier Tribunal for Scotland



Property Address

57 Jamieson Street, Glasgow G42 7HA

Case Reference

FTS HPC RT 23 2169



Schedule of Photographs taken during the inspection by tribunal members on 2 October 2023



1. New Boiler in Upstairs Landing Cupboard



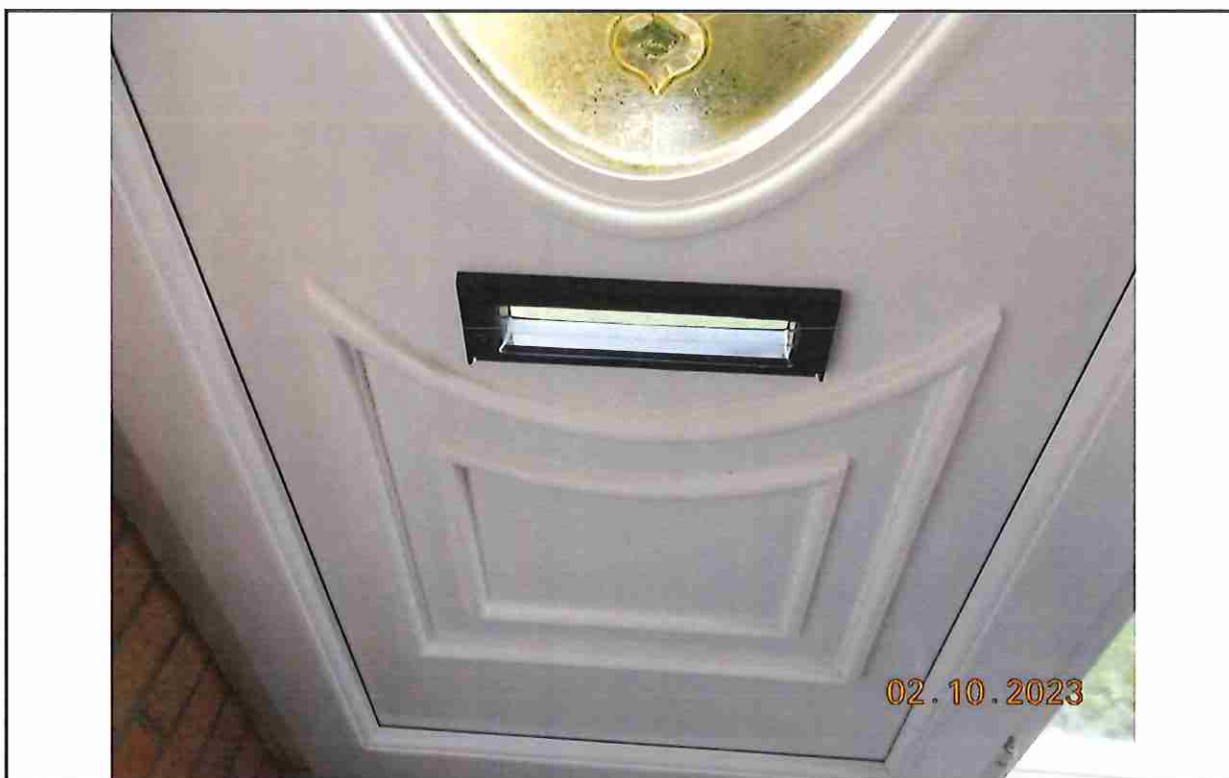
2. Temporary Light Fitting in Kitchen with exposed wiring.



3. Smoke detector and alarm in lower hallway



4. Smoke detector and alarm in upper hallway



5. Missing Letter Box from inside.



6. Missing Letter Box from outside.