

# 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/22/0462

**Property:** 37 Eskdale Terrace, Bonnyrigg EH19 2BN (“the Property”)

**Parties:** Mr Farukh Gondal, 37 Eskdale Terrace, Bonnyrigg EH19 2BN (“the Applicant”)

Mr Nassir Ellahi, Mrs Sajda Ellahi, 10 Sandstone Crescent, Duddingston, Edinburgh EH15 3FE (“the Respondent”)

Whereas in terms of their decision dated 1 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 structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- 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.
- 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 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 obtain a report from a suitably qualified plumber in relation to the water damage contained within the shower tray void in the downstairs bathroom to identify the source of the leak and having done so to thereafter undertake such work as is required to resolve the leaking area within a period of 28 days from the date of this notice.
- To replace or repair the top hopper serving the livingroom window left hand unit to ensure that it operates properly to allow the window to open.
- To repair or replace the extractor canopy hood in the kitchen to allow for proper extraction from the cooker.
- To ensure that the smoke detection device together with heat detection devices are interlinked.
- To remove or replace the high level boundary fence adjacent to the garage of the property.
- To repair or replace the concrete paving slabs to ensure that they are even.

The said works to be undertaken within a period of 28 days from the date of this notice.

The tribunal order that the work specified in this order must be carried out and completed by 19 July 2022.

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.