

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/22/1601

556 Square Yards, with subjects 98 Maxwell Drive, Glasgow, in Parish of Govan, referred to in Feu Charter to Ian Blyth McRae, recorded GRS (Glasgow) 28 December 1955

98 Maxwell Drive, Glasgow, G41 5PR (“the Property”)

Parties:

Sazia Amin, 98 Maxwell Drive, Glasgow, G41 5PR (“the Tenant”)

Mohammed Saeed, Razia Saeed, 3 Rowan Gardens, Glasgow, G41 5BT (“the Landlord”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Andrew Taylor (Ordinary Member)

Whereas in terms of their decision dated 23 December 2021, 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: -

- (i) The house is wind and watertight and in all other respects reasonably fit for human habitation,
- (ii) The installations in 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,
- (iii) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and proper working order, and
- (iv) 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 property 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. Engage a suitably qualified window specialist to repair or replace all windows ensuring that they are wind and watertight, that the ironmongery is in proper working order and the windows are capable of opening and closing securely.
2. Engage a suitably qualified dampness/condensation specialist to report on the evident areas affected by mould, condensation and dampness and undertake all works recommended, including any enhanced ventilation; make good all plaster walls, ceilings and any woodwork affected by damp and mould, including historic leaks; include all necessary redecoration. Provide the Tribunal and Tenant with copies of the report.
3. Engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the gas fired heating and hot water supply installation including boiler, pipework, all radiators, valves, programmers and thermostats.
4. Follow the recommendations of that report to ensure that the entire system is free from leaks, safe and in proper working order. On completion of the works provide a valid CP12 Gas Safety Certificate to the Tribunal and Tenant.
5. Engage a suitably qualified plumber to inspect the complete plumbing system for leaks including sanitary fittings, supply, drainage and overflow pipework, bath and sink sealants and rectify any faults.
6. Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property and including testing of the bathroom fan for safety and effectiveness. Follow the recommendations of that report to ensure that the entire system is safe and in proper working order. Provide a copy of the EICR and report to the Tribunal and Tenant.
7. Ensure that the kitchen wall cabinets are safely and securely fixed to the wall.
8. Supply and fit a Carbon Monoxide detector compliant with the Scottish Government Statutory Guidance for the provision of carbon monoxide alarms in private rented housing.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of eight 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 pages are executed by Josephine Bonnar, Legal Member of the Tribunal, at Motherwell on 3 September 2022 in the presence of the undernoted witness:-