

Housing and Property Chamber

First-tier Tribunal for Scotland



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

REPAIRING STANDARD ENFORCEMENT ORDER Ordered by the Tribunal

**RE: All and Whole the dwelling house known as 9 John Knox Road,
Longniddry EH32 0LP registered in the Land Register under title no
ELN18133**

The Parties:

**Natascha Niemann, formerly of 9 John Knox Road, Longniddry EH32 0LP
("the Applicant")**

**James Hislop and Margaret Hislop, 47 Ravensheugh Brae, Leven,
Musselburgh EH21 7FF ("the Landlord")**

Reference number: FTS/HPC/RP/23/1281

NOTICE TO JAMES HISLOP AND MARGARET HISLOP

WHEREAS in terms of its decision dated XX September 2023 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 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in that:

"(a) the house is wind and water tight and in all other respects reasonably fit for human habitation...

...(c) 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.

(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...

...(h) the house meets the tolerable standard.” (in particular as set out in Section 86 (1) of the Housing (Scotland) Act 1987...
“...(j) has satisfactory equipment installed for detecting, and for giving warning 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 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:

1 To provide an Electrical Installation Condition Report (EICR) report by a SELECT, NICEIC or NAPIT qualified electrician which confirms that the electrical installations within the House are in satisfactory condition with no category C1 or C2 items.

2 To install smoke and heat detectors fitted which are interlinked and functioning correctly as required by the *Scottish Government Guidance for Private Landlords on Satisfactory Provision for Detecting and Warning of Fires*.

3 To repair or replace the failed double glazing in the rear facing bedroom.

4 To carry out decorative remedial works after completing any repairs.

The Tribunal orders that the works specified in this Order must be carried out and completed within 4 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 the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten on this and the two preceding pages are signed by John Miller McHugh, Chairperson of the Tribunal at Edinburgh on the Fifteenth day of September Two Thousand and Twenty Three in the presence of the undernoted witness:

J M McHugh