

# **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/RT/23/0489**

**Title no: ANG46640**

**2/2 51 North Street, Dundee DD3 7RS ("the House")**

**The Parties:**

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

**Mr Mark Ford, 2/2 51 North Street, Dundee DD3 7RS ("the Tenant")**

**Fixrole Limited 12 Milton Street, Dundee DD3 6QQ ("the Landlord")**

Whereas in terms of their decision dated 12 June 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 is:-

- a) 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;
- b) Any fixtures fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- c) Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.

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:-

1. Provide a current Electrical Condition Installation Report ("EICR") dated after the date of this order from a SELECT, NICEIC OR NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is fully

functioning and meets current regulatory standards and containing no category C1 or C2 items of disrepair. The EICR should include specific reference to the provision for smoke and heat detection in accordance with existing Scottish Government guidelines.

2. Provide a current Portable Appliance Test Certificate in respect of all electrical appliances within the property for which a certificate is required.
3. To repair or replace the electric storage heater in the living room and to ensure that it is in proper working order.
4. To finish and redecorate the new plasterboard walls in the rear bedroom.

The tribunal order that the documentation specified at 1 and 2 of this order must be lodged with the Chamber no later than close of business on 7 July 2023 and the works specified in 3 and 4 must be completed by 28 July 2023.

**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 Graham Harding, legal member of the Tribunal, on 12 June 2023 in the presence of the undernoted witness:-

J Harding

witness

**G Harding**

Legal Member

name in full

Address