

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/RT/23/1689

Title no/Sasines Description: REN93647

Flat 1/2, 63 Park Road, Paisley, PA2 6YB ("the House")

The Parties:-

Renfrewshire Council (Environment, Housing & Infrastructure, Renfrewshire House, Cotton Street, Paisley, PA1 1BR ("the Third Party Applicant"))

Mr Philip Smith, 28 Ranfurly Road, Glasgow, G52 2RJ ("the Landlord")

Tribunal Members: Mrs Nicola Weir, Legal Member and Ms Lori Charles, Ordinary Member

Whereas in terms of their decision dated 5 September 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 meets the repairing standard with reference to the following provisions of Section 13(1) of the Act, as amended:-

- (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; and
- (h) 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 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) To submit to the Tribunal an up to date, satisfactory and complete Electrical Installation Condition Report (EICR) in respect of the installations in the House for the supply of electricity and the electrical fixtures and fittings, and a Portable Appliance Test (PAT) in respect of any portable electrical appliances from a suitably qualified and registered SELECT, NICEIC or NAPIT contractor to ensure that the installations in the house for the supply of electricity are in a reasonable state of repair and in proper working order.
- (2) To submit to the Tribunal an up to date and satisfactory Gas Safety Record from a Gas Safe registered engineer in relation to the House.
- (3) To repair or, as necessary, replace the toilet cistern and toilet overflow pipe in the bathroom to ensure that these items are in a reasonable state of repair and in proper working order.
- (4) To replace the missing window handle in the spare bedroom to ensure that the window is in a reasonable state of repair and in proper working order and can be properly closed and secured.
- (5) To have the cause of the leak(s) from the washing machine in the kitchen investigated by a suitably qualified tradesperson and thereafter to have the washing machine repaired or, as necessary, replaced to ensure that this appliance is in a reasonable state of repair and in proper working order.
- (6) To install hard-wired and interlinked smoke alarms in the living room and hallway and a heat alarm in the kitchen to ensure that there is satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and that the tolerable standard is met.

The Tribunal orders that the works specified in this Order must be carried out and completed within 6 weeks of the date of this Order.

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 typewritten on this and the preceding two pages are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 5 September 2023 in the presence of the undernoted witness:-