

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order **Ordered by the First-tier Tribunal for Scotland** **(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/RP/22/4470

54 Shore Road, Stevenston, KA20 3LP being the subjects registered in the Land Register of Scotland under Title number AYR97237 ("the Property")

The Parties:-

Lynne Benson residing at 54 Shore Road, Stevenston, KA20 3LP ("The Tenant")

Alistair Meek, SHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, KA22 8DG ('The Tenant's Representative')

John Murphy and Margaret Murphy residing at 58B Ardoch Crescent, Stevenston, KA20 3PP ("The Landlord")

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

NOTICE TO

The said John Murphy and Margaret Murphy

Whereas in terms of their decision dated 27th April 2023 the Tribunal determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlords have failed to ensure that the Property is wind and water tight and in all respects reasonably fit for human habitation; the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order and the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health and the Property meets the tolerable standard.

The Tribunal now requires the Landlords 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 Landlords to:

1. Repair or replace the rear external door, surrounding timber panelling and framework, ensuring that they are fully functional, wind and watertight and in all other respects reasonably fit for human habitation.
2. Repair or renew missing brickwork around the "hole" in the kitchen/utility area external wall and make good the surrounding rendering
3. Provide the Tribunal with written confirmation from a suitably qualified electrical contractor that the exposed wires in the dining room may be safely returned to the void immediately above the ceiling plaster and thereafter repair all holes in the ceiling plaster and redecorate as necessary.
4. Install a carbon Monoxide detector in accordance with "Scottish Government statutory guidance for the provision of carbon monoxide alarms in private rented housing". Unless otherwise indicated by the manufacturer, CO detectors should be ceiling mounted and positioned at least 300mm from any wall or, wall mounted and positioned at least 150mm below the ceiling and higher than any door or window within the room.

The Tribunal orders that these works must be carried out and completed by **30th June 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.

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 a landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy agreement 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 page are subscribed at Glasgow on 27th April 2023 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Michelle McGlynn, Bothwell House, Hamilton.

Signed.....

J Taylor

Chairperson

M McGlynn

.....witness