

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/23/1031**

**Re: Property at Building 6, Flat 5, Elliot Street, Edinburgh EH7 5LU (“the Property”)**

**Parties:**

**Mr David Gregory, Building 6, Flat 5, Elliot Street, Edinburgh EH7 5LU (“the Tenant”)**

**Mr Mark Platt, Gwynfi, 58 Newland Avenue, Driffield, North Humberside YO25 6TX (“the Landlord”)**

**Tribunal Members:**

**George Clark (Legal Member) and Andrew Murray (Ordinary/surveyor Member)**

Whereas in terms of their Decision dated 24 August 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”), the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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 carry out such repairs to the windows in the living room and rear left hand bedroom as are required to make them wind and water tight and capable of being safely opened and closed.
2. to clean off the mould around the windows in the living room and rear left hand bedroom and redecorate as necessary.
3. to carry out such repairs as are required to ensure the storage heater in the hallway is fully functional, or to replace it.

4. to replace the damaged electrical socket in the living room.
5. to provide the Tribunal with an Electrical Installation Condition Report, dated after the date of completion of Items 3 and 4 of this Order, certified by a SELECT, NAPIT or NICEIC registered electrical contractor, and containing no C1 or C2 items of disrepair.

The Tribunal orders that the works required by this Order must be carried out within three months of the date of service of this Order on the Landlord.

### **Right of Appeal**

**In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.**

IN WITNESS WHEREOF these presents, typewritten on this and the preceding page, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at \_\_\_\_\_ on 24 August 2023 before this witness, Valerie Elizabeth Jane Clark,

G Clark

Legal Member/Chair

V Clark

Witness