

# Housing and Property Chamber First-tier Tribunal for Scotland



## REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/23/1384

Re: Property at 9, Stenhouse Street East, Edinburgh, EH11 3DD registered in the Registers of Scotland under Title Number MID48799 ("the Property")

The Parties:

Mr. Abdulhafeez Adalakun and Ms. Grace Otoni residing at the Property ("the Tenants")

And

Mrs. Carol Graham residing at The Schoolhouse Cottage 2b, Baird Road, Ratho, EH28 8RA ("the Landlord") per her agents, Messrs. Murray and Currie, Property, Sales and Letting, 60, Queen Street, Edinburgh EH2 4NA ("the Landlord's Agents")

### Notice to Landlord

Mrs. Carol Graham residing at The Schoolhouse Cottage 2b, Baird Road, Ratho, EH28 8RA

Whereas in terms of its decision dated 2 August 2023, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13(1)(a), 13(1) (b), 13(1) (d), 13(1) (e) and 13(1) (h) of the Act, the First-tier Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 20 September 2023 carry out all of the following:-

1. Carry out works to adjust the door leaf in the door from the kitchen to the lounge so that it fits properly in the frame and otherwise is reasonably fit for human habitation.
2. Carry out all works as necessary both internally and externally to eliminate the penetrating dampness in the main bedroom and render the Property wind and watertight and in all other aspects reasonably fit for human habitation.
3. Carry out all works necessary to bring the structure and exterior of the house (including drains, gutters and external pipes) into a reasonable state of repair and in

proper working order and so ensure that the Property is dampness free, wind and watertight and in all other aspects reasonably fit for human habitation.

4. Remove the existing defective sealed double glazing unit in the side window to the kitchen and replace with a new unit to bring the structure and exterior of the house into a reasonable state of repair and leave in proper working order.
5. Engage with the other proprietors in the block of which the Property forms part and with Scottish Water as necessary to investigate the issues with drainage system leading to a failure to drain wastewater away adequately and carry out all necessary remedial works to ensure that the installations in the Property for sanitation are in a reasonable state of repair and in proper working order.
6. Carry out all works necessary to ensure that the linings and shelves of the built-in cupboard in the kitchen are complete and that the cupboard is in a reasonable state of repair, free from draughts and in proper working order.
7. Investigate the draughts entering the Property from the cupboard under the sink and carry out all works necessary to ensure that the cupboard is in a reasonable state of repair, free from draughts and in proper working order.
8. Repair or if necessary, replace the ignition switch on the gas hob to render it operational in the intended manner and that it is in a reasonable state of repair and in proper working order. In the event that the ignition switch cannot be repaired or replaced, replace the gas hob oven with a gas hob oven which is in proper working order.
9. Repair or, if necessary, replace the bedframe to provide the intended support to the mattress and the dining table so that they are capable of being used safely for the purposes for which they are designed.
10. Carry out all incidental and decorative works occasioned by the works necessary to comply with this Order to leave the Property in the condition required by the Repairing Standard.

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act,

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 Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 2 August 2023 before this witness, Norman William Moore, solicitor, 11, Muirfield Business Centre, South Muirhead Road, Cumbernauld, G67 1AX.

# K Moore