

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/RP/23/1459

Title No: GLA109493

Flat 2-1, 43 Keir Street, Glasgow G41 2LA (“The Property”)

The Parties:-

Ms Gayle McNicol, Flat 2-1, 43 Keir Street, Glasgow G41 2LA (“the Tenant”)

Mr Pappu Singh, 43 Traquair Drive, Cardonald, Glasgow G52 2TB (“the Landlords”)

Tribunal Members: R Mill (Legal Member) and L Charles (Ordinary Member)

**NOTICE to MR PAPPU SINGH, 43 Traquair Drive, Cardonald, Glasgow G52 2TB
 (“the Landlord”)**

Whereas in terms of its decision of even date the tribunal determined that the named landlord on the tile sheet has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 (“The Act”), and in particular that the landlord has failed to ensure that:-

- whether the house is wind and watertight and in all other respects reasonably fit for human habitation.
- whether the installations in the house for the supply of water, gas and electricity and for sanitation, space heating or heating water are in a reasonable state of repair and in proper working order.

- whether any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- whether the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- whether the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- whether the house does not meet the tolerable standard.

The tribunal now requires the landlord to carry out such works as are 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 instruct a suitably qualified gas central heating engineer to inspect the gas central heating system and, in particular, investigate the cause of the failure of the radiators in the bathroom and bedroom 1 to produce heat and, thereafter, to carry out necessary work to service, repair or replace same in order that they work effectively, and to prepare a written report confirming same.

The tribunal orders that the works specified in this Order must be carried out and completed within a period of 4 weeks and that any redecoration required, as a consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the tribunal.

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.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by R George Mill, solicitor,
legal member of the Tribunal at Edinburgh on 9 October 2023 before this witness:-