

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/18/1376

Title no/Sasines Description: ANG37688

**5A Abbotsford Place, Dundee DD2 1DH
("The Property")**

The Parties:-

**Miss Ingrid Smith, 5A Abbotsford Place, Dundee DD2 1DH
("the Tenant")**

**Mr Mohammed Razaul Karim and Ms Monira Karim, 1/L 2 Morgan Place,
Dundee DD4 6LZ
("the Landlords")**

Whereas in terms of their decision dated 6 September 2018 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 property is:-

- (a) The installations in the house for the supply of water gas and electricity and for sanitation, space heating and hating water are in a reasonable state of repair and in proper working order.

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 Landlords:-

- (a) To instruct a reputable Gas Safe registered engineer to inspect the entire central heating and hot water system and gas fire and to advise on its efficiency and to make recommendations and
- (b) further requires the Landlords to comply with any such recommendations and instruct any repairs or renewals to be carried out by a reputable firm of Gas Safe registered engineers.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 60 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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. This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the preceding page(s) are executed by Graham Harding, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Perth on 6 September 2018 before this witness:-

Jane McNicol


witness


Graham Harding

chairperson

JANE ELIZABETH McNICOL name in full

10 BARNSA PLACE Address

PERTH