

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 Reference: FTS/HPC/RT/23/2591

Re: Property at 153 Newdyke Road, Kirkintilloch G66 2EL ("the Property")

The Parties:

**Calum Watt, CPW Property Investment, 128 Henderland Road, Bearsden,
Glasgow G61 1JA ("the Landlord")**

Leighanne Grey, 153 Newdyke Road, Kirkintilloch G66 2EL ("the Tenant")

**East Dunbartonshire Council, William Patrick Library, West High Street,
Kirkintilloch G66 1AD ("the Third Party")**

Whereas in terms of their decision dated 11th September 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") and in particular that the Landlord has failed to ensure that: -

- **The house is wind and water tight and in all other respects reasonably fit for human habitation**
- **The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order**
- **the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order**
- **any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.**
- **the house meets the tolerable standard.**

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 landlord to: -

1. Replace all rainwater goods and waste/soil pipes to ensure all drains, gutters and external pipes are in a reasonable state of repair and in proper working order.
2. Instruct a suitably qualified and SELECT, NAPIT or NICEIC registered electrician (i) to carry out a full inspection of the electrical installation throughout the house, the purpose of which inspection is to ensure that the electrical installations are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be repaired, replaced or renewed, including the defective double socket in the kitchen to ensure that the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") in accordance with Scottish Government statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of any portable electrical appliances provided by the Landlord.
3. Instruct a suitably qualified and Gas Safe registered engineer to carry out a certificated gas safety check on the gas heating system and any other gas appliances in the property and provide a copy of the gas safety record to the Tribunal.
4. Carry out such repairs as are necessary to reinstate the ceiling in the hall cupboard to ensure all electrical wires and pipework are contained within
5. Carry out such repairs as are necessary to ensure the front door and lock are in a reasonable state of repair and proper working order or replace the door and lock.
6. Carry out such repairs as are necessary to ensure the back door and lock are in a reasonable state of repair and proper working order or replace the door and lock.
7. Carry out such repairs as are necessary to ensure the windows in the living room, kitchen and bathroom are in proper working order and in a reasonable state of repair.
8. Instruct a suitably qualified plumber to carry out such repairs as are necessary to ensure the taps in the kitchen and bathroom are in proper working order
9. Carry out such repairs as are necessary to ensure the base cupboards in the kitchen are in a reasonable state of repair and proper working order.
10. Instruct a suitably qualified tradesperson to repair the radiator in the hallway to ensure it is secured to the wall and in proper working order
11. Instruct a suitably qualified tradesperson to properly fit and secure the carpet in the upper landing in the house.

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

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.

In terms of Section 63 of the Act, 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 M C Kelly, legal member of the Tribunal, at Edinburgh on 22nd September 2023 in the presence of the undernoted witness: -