

# 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/22/3088**

**Title no/Sasines Description: REN 76551**

**109 Flures Drive, Erskine, PA8 7DG (“the House”)**

**The Parties:-**

**Miss Katarzyna Zawalidroga, 109 Flures Drive, Erskine, PA8 7DG (“the Tenant”)**

**Mrs Anne Shaw, care of Let-It, 26 Causeyside Street, Paisley, PA1 1UN (“the  
Landlord”)**

**Tribunal Members: Mrs N Weir, Legal Member and Ms S Hesp, Ordinary  
Member**

Whereas in terms of their decision dated 16 February 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 meets the repairing standard with reference to the following provisions of Section 13 of the Act, as amended:-

(a) the house is wind and watertight;

(d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order;

(f) the house has satisfactory provision for detecting fires; and

(g) the house has satisfactory provision for giving warning if carbon monoxide is present

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:-

- (1) To repair or as necessary replace the kitchen units, to include (without prejudice to the foregoing generality) cupboard doors, hinges, drawers, fascias and the apparent leak from the sink waste under the kitchen sink situated within the cupboard unit below the sink, to ensure that all kitchen units are in a reasonable state of repair and in proper working order;
- (2) To replace the front door to ensure that the door, door surround and locking mechanism are in a reasonable state of repair, in proper working order, can be properly secured and is wind and watertight;
- (3) To repair or as necessary replace the carbon monoxide detector in the kitchen to ensure that the House has satisfactory provision for giving warning if carbon monoxide is present; and
- (4) To install a heat alarm in the kitchen, interlinked with the existing smoke detection system to ensure that the house has satisfactory provision for detecting fires.

The Tribunal order that the works specified in this Order must be carried out and completed by **31 March 2023**.

**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 typewritten on this and the preceding page are

executed by N Weir, Legal Member of the Tribunal, at Glasgow on 16 February 2023 in the presence of the undernoted witness:-

witness \_\_\_\_\_ Legal Member

\_name in full

\_Address

- 3.

\_\_\_\_\_

)