

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/22/3561

Title no/Sasines Description: FFE23803

**22 Main Street, Kelty KY4 0AA
("The Property")**

The Parties:-

Mr Ryan Deacon, 22 Main Street, Kelty KY4 0AA ("the Applicant")

**Mr Mohammed Irshad, 5 Camdean Crescent, Rosyth KY11 2TJ and Mrs Nasim
Ather, 68 Barclay Street, Cowdenbeath, KY4 9LD ("the Respondents")**

Whereas in terms of their decision dated 18 April 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:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) 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.
- (c) 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.

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 provide a report from a reputable roofing contractor on the condition of the roof of the property and any repairs required.
2. To provide an Electrical Installation Condition Report prepared by a suitably qualified contractor and dated after 13 February 2023.

3. To provide a report from a qualified structural engineer dated after the date of this order reporting on the structural condition of the property and any repairs required.
4. To repair or replace the windows and door at the rear of the property to ensure they are in a reasonable state of repair and proper working order.
5. To replace the damaged ceilings in the property and redecorate as necessary.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of one month 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 are executed G. Harding, legal member of the Tribunal, at Perth on 20 April 2023 in the presence of the undernoted witness:-

_____ witness Legal Member
 _____ name in full
 _____ Address

