

Housing and Property Chamber

First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/3599

Re: Property at 98, Main Street, East Kilbride, G74 4JY registered in the Registers of Scotland under Title Number LAN189570 (“the Property”)

The Parties:

Ms. Yvonne Paterson residing at the Property (“the Tenant”)

And

Mr. Peter More residing at Bayview Hotel, 21/22, Mount Stuart Road, Rothesay, PA20 9EB (“the Landlord”)

Notice to Landlords

Mr. Peter More residing at Bayview Hotel, 21/22, Mount Stuart Road, Rothesay, PA20 9EB (“the Landlord”)

Whereas in terms of its decision dated 10 February 2023, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 in respect of Sections 13(1)(a), 13(1) (b), 13(d) 13(e) and 13(1) (h) of the Act, the Tribunal now requires the Landlord to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before **31 March 2023** carry out all of the following:-

1. Obtain a report from a suitably qualified roofing contractor confirming the condition of the roof tiles (“the Roof Report”) and submit the Roof Report to the Tribunal and the Tenant. The Roof Report should include details of the remedial action necessary to bring the roof covering into a reasonable state of repair, proper working order and wind and watertight condition. Thereafter, the Landlord must ensure that all works recommended in the Roof Report are completed and finished in accordance with the specifications as proposed in the Roof Report;
2. Obtain a detailed report from a suitably qualified pest control contractor in respect of vermin infestation and bird nesting at the Property, specifically within the kitchen and in the ornamental gutter boxes at the front of the Property (“the Pest Control Report”)

and submit the Pest Control Report to the Tribunal and the Tenant. The Pest Control Report should include details of the remedial action necessary to address all issues with vermin, nesting birds and other pests in the Property. Thereafter, the Landlord must ensure that all works recommended in the Pest Control Report are completed and finished in accordance with the specifications as proposed in the Pest Control Report;

3. Instruct a suitably qualified stonemason to repair (i) the boundary walls at either side of the stone steps which form the entrance to the Property and (ii) the boundary walls which surround the side and front garden at the Property to ensure that the boundary walls are in good order, that the coping stones are properly fixed and to address any damage caused by the movement in the stonework;
4. Repair or replace the skirting throughout the Property to ensure that there are no gaps and that the walls at the skirting are draught-free and are wind and water-tight;
5. Repair or replace the kickplates in the kitchen to ensure that there are no gaps and that the kickplate area is draught-free and wind and water-tight;
6. Repair or replace the flooring in the kitchen to ensure that it is not a trip hazard and, in doing so, ensure that the underfloor is secure;
7. Repair or replace the hall carpet to ensure that it is not a trip hazard;
8. Repair or replace the doors of both fitted wardrobes to ensure that they are fully functional and in good working order;
9. Repair or replace the en-suite door lock to ensure that it is fully functional and in good working order;
10. Repair or replace the shower tray to ensure that it is fully functional and in good working order;
11. Redecorate as necessary following completion of all repairs and works required to comply with this Order.

Note to Landlord:-

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by K Moore, Chairperson of the tribunal, at Glasgow on 10 February 2023 before this witness, N Moore. solicitor,