

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### Repairing Standard Enforcement Order

First-tier Tribunal for Scotland (Housing and Property Chamber)

Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/22/4226

The Property: Flat 1/2, 5 Myrtle Place, Glasgow, G42 8UL (“The Property”)

Land Register of Scotland Title Number: GLA115030

### **The Parties:**

Glasgow City Council, Private Sector Housing, Exchange House, 231 George Street, Glasgow (“the Third-Party Applicant”) and

Ms Kathleen McFarlane, Flat 1/2, 5 Myrtle Place, Glasgow, G42 8UL (“the Tenant”)

Mr Manindar Jassal and Mrs Shona Jassal, formerly residing at 14 Netherhill Avenue, Glasgow, G44 3EG and now residing at 3 Clevedon Gardens, Harlington Hayes, Middlesex UB3 1RD (“the Landlords”)

### **Tribunal Members:**

**G McWilliams- Legal Member**

**M Links - Ordinary Member**

### **The Order**

1. Whereas in terms of their Decision dated 20<sup>th</sup> March 2023 The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Landlords have 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 Landlords have failed to ensure that the Property is wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the Property is in a reasonable state or repair; the installations in the Property for the supply of gas and electricity and for sanitation and heating water are in reasonable state of repair and in proper working order; the fixtures and fittings provided by the Landlords under the Tenancy are in a reasonable state of repair and in proper working order; the furnishings provided by the Landlords under the tenancy are capable of being used safely for the purpose for which they are designed; the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire; the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health; and the Property meets the tolerable standard, the Tribunal therefore decided that the Property does not meet the Repairing Standard specifically in terms of Section 13 (1) (a), (b), (c), (d), (e), (f), (g) and (h) of the 2006 Act.

2. The Tribunal now requires the Landlords to carry out such works as are necessary for the purpose of ensuring that the Property meets the Repairing Standard all in terms of Section 13(1) (a), (b), (c), (d), (f), (g) and (h) of the 2006 Act and that any damage caused by the carrying out of any work in terms of this Order is made good; and
3. Specifically the Landlords are ordered to do the following:-
  - a) The Landlords are to carry out such works, and to provide appropriate documentation, to ensure that the Property complies with the Repairing Standard. Specifically the Landlords are to:-
    - i) Repair or renew interlinked smoke and heat detectors in the Property to comply with all current regulations and guidance.
    - ii) Install a CO detector in the Property to comply with current regulations and guidance.
    - iii) Repair or renew properly working light fittings and lights in the living room, kitchen, hall and bathroom in the Property.
    - iv) Repair the cracks in the walls in Property, in particular in the hall above the entrance to the bedroom to the front of the Property and under the windowsill in the bedroom to the rear of the Property and in the hall above the door to the bathroom;
    - v) Repair or renew the window in the bedroom to the rear of the Property to ensure that it opens fully by tilt and swivel;
    - vi) Replace the floor coverings in the kitchen, bathroom and living room.

- vii) Repair or replace the curtain rails above the windows in the living room and bedroom to the front of the Property;
  - viii) Repair the window frame around the window in the bedroom to the front of the Property;
  - ix) Replace the wall tiles to the left of the toilet bowl in the bathroom to ensure that there are no exposed pipes in that room;
  - x) Repair or replace the cooker in the kitchen in the Property to ensure that the electric oven and all gas rings are in a reasonable state of repair and proper working order;
  - xi) Repair or replace the cold tap in the kitchen in the Property to ensure that it is in a reasonable state of repair and proper working order;
  - xii) Add suitable wall coverings or paint to the walls in the living room, kitchen, hall and bedroom to the front of the Property;
  - xiii) Instruct a suitably qualified SELECT, NAPIT or NICEIC registered electrician to carry out a certified electrical inspection and testing of the entire electrical installation of the Property and exhibit a satisfactory EICR and PAT to the Tribunal; and
  - xiv) Instruct a suitably qualified Gas Safe engineer to inspect the gas boiler, carry out a service and any necessary repairs to the boiler and thereafter inspect all the gas appliances in the Property and provide the Tribunal with a satisfactory, complete Gas Safety Certificate and written evidence of the service and any repairs carried out to the boiler.
- b) In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, and the extent of the remedial works which require to be carried out, the Tribunal determines that the RSEO requires to be complied with by 31<sup>st</sup> May 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.

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 Gerald McWilliams, Solicitor, Legal Member of the Tribunal, at Glasgow on 21st March 2023, before this witness:-**

**G McWilliams**