

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/19/3806

Flat1, 27 South Street, Dalkeith, Midlothian EH22 1AH

(“The Property”)

**Forming part of the property described in Disposition to John Gray Recorded
in the General Register of Sasines for Midlothian on 1 May 1874**

The Parties:-

**Peter Henderson, residing at Flat1, 27 South Street, Dalkeith, Midlothian EH22
1AH**

(“the Tenant”)

Ms L Cortellessa, 3a Jordan Lane, Edinburgh EH10 4RB

(“the Landlord”)

Whereas in terms of their decision dated 20 February 2020, 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:-

- (a) 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, in terms of Section 13(1)(c) of the 2006 Act; and
- (b) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order, in terms of Section 13(1)(d) of the 2006 Act; and

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:-

- (a) Repair and replace light fittings in the bathroom, kitchen and hall
- (b) Carry out all remedial works to the electrical system and then instruct an Electrical Installation Condition Report (EICR) and Portable Appliance Test (PAT) on the entire electrical installation of the property and all electrical appliances and equipment supplied by the landlord to be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor. Carry out works to rectify any identified issues in these reports and provide the First-tier Tribunal for Scotland (HPC) with an unqualified report from a suitably qualified and registered SELECT or NICEIC electrical contractor confirming the works are completed.
- (c) Remove and replace the hob and oven and then provide the First-tier Tribunal for Scotland (HPC) with a Gas Safety Record from a suitably qualified, and Gas Safe registered heating engineer on the safety of the gas central heating boiler and all other gas appliances in the property, &, if necessary, carry out any further repairs or replacement to ensure that all gas appliances are safe to use.

All within 6 weeks

and

- (d) Ensure adequate provision of interconnected Smoke, heat and CO2 detectors within 7 days

The tribunal order that the works specified in this Order must be carried out and completed within the period of 6 weeks from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 type written on this and the preceding page are executed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the tribunal at Edinburgh on 20 February 2020 before Andy Dick, 252 Gorgie Road, Edinburgh

A Dick

P Doyle

__ witness

_ chairperson