

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006  
Section 24**

**Chamber Ref: RT/19/3434**

**THE PROPERTY:**

**156 Gartcraig Road, Glasgow G33 2SW**

**Title Number: GLA130580**

**THE PARTIES:**

**Glasgow City Council, DRS Housing Services per Ms Toni Coyle, Exchange House, 231 George Street, Glasgow G1 1RX. (“third party applicant”)**

**Mr Brian Timoney & Mrs Pamela Timoney, residing at the property. (“the tenants”)**

**and**

**Mr Stephen McCullagh, 105 Gartcraig Road, Glasgow G33 2RY (“the landlord”)**

**THE TRIBUNAL:**

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

**David M Preston (Chairman) and Mr Donald Wooley, Surveyor (Ordinary Member) (“the tribunal”)**

**Whereas in terms of their decision dated 16 January 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”) the tribunal 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 obtain an Electrical Installation Condition Report which is satisfactory in all respects, contains no category C1 or C2 observations and lodge same with the Tribunal;
2. To relocate the carbon monoxide detector to the kitchen and in a position which complies with the "Scottish Government Statutory Guidance for the Provision of Carbon Monoxide Alarms in Private Rented Housing".
3. To upgrade the heat and smoke detectors in the kitchen, living room and hallway ensuring that they are interconnected, correctly positioned and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

The tribunal orders that the works specified in this Order must be carried out and completed within the period of five weeks 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.

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.

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: IN WITNESS WHEREOF these presents, typewritten on this and the preceding two pages are subscribed as follows:

D Preston

G Colquhoun

Chairing Member

Witness signature

G. Preston

Place of signing

Gary Colquhoun

Witness full name

16/1/2020

Date of signing

20 York Street

Witness Address

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