

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006

Property: 25 Clerwood View, Edinburgh EH12 8PH (“the Property”/ “the house”)

Title No: MID58627

Chamber Reference: FTS/HPC/RP/19/3581

Parties:

Mrs Gillian Muir, 25 Clerwood View, Edinburgh EH12 8PH (“the Tenant”)

Miss Katherine Ogden, care of Braemore Sales and Lettings, Orchard Brae House, 30 Queensferry Road, Edinburgh EH4 2HS (“the Landlord”)

Tribunal Members – George Clark (Legal Member/Chairperson) and Sara Hesp (Ordinary Member/Surveyor)

Whereas in terms of their decision dated 24 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 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. In particular, the Tribunal requires the Landlord to:

1. Provide the Tribunal with an Electrical Installation Condition Report (EICR) in respect of the entire electrical installation within the Property issued by a SELECT, NAPIT or NICEIC registered electrician and containing no C1 or C2 items of disrepair and to provide the Tribunal with evidence of the electrician’s registration with one of the three aforementioned bodies.
2. Install a carbon monoxide monitor in the loft space, suitably sited to detect carbon monoxide gas at the central heating boiler and interlinked with a further carbon monoxide monitor on the first floor landing, adjacent to the loft hatch.
3. Investigate the cause of the damp smell under the bath in the en-suite bathroom and carry out such remedial work as is required.
4. Investigate and carry out such repair works as are required to ensure the waste pipe from the toilet in the en-suite bathroom is not leaking.
5. Securely replace the bath panel.

6. Replace the toilet cistern in the bathroom.
7. Carry out such repairs as are necessary to render the outside front step safe and secure.

The Tribunal order that the works required by this Order must be carried out within the period of six weeks from the date of service of this Order.

Right of Appeal

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.

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 two preceding pages, are executed by George Barrie Clark, Chairperson of the Tribunal, at Elgin, on 7 February 2020, before this witness, Esther Onwa, Tribunal Clerk, First-tier Tribunal for Scotland, 20 York Street, Glasgow.

G Clark

E Onwa

..... Legal Member/Chair Witness