

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order

Housing (Scotland) Act 2006: Section 24

Case Reference FTS/HPC/RP/21/0792

Mr Alan Smith, 25 Main Street, Patna, KA6 7LN (“the Tenant”)

Mr Brian Smith, 3 Bankknowe Terrace, Tayport, DD6 9LL (“the Tenant’s Representative”)

New City Homes Ltd, a Company registered under the Companies Acts (SC135301) and having its registered office at The Knowe, 42 Auchinleck Road, Cumnock, Ayrshire, KA 18 1AE (“the Landlord”)

25 Main Street, Patna, KA6 7LN registered in the Land Register of Scotland under Title Number AYR94445 (“the Property”)

Tribunal Members: Martin McAllister, solicitor, (Legal Member) and Donald Wooley, chartered surveyor, (Ordinary Member) (“the tribunal”).

NOTICE TO
New City Homes Ltd

Whereas in terms of their decision dated 7th July 2021, 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, in terms of Section 13 of the said Act to demonstrate that the installations in the house for the supply of electricity and any electrical appliances supplied by the Landlord are in a reasonable state of repair and in proper working order the tribunal now makes a repairing standard enforcement order (RSEO) in the following terms:

1. The Landlord is required to produce a current Electrical Installation Condition Report for the Property and PAT testing for any portable appliances supplied by the Landlord. The Report requires to be prepared by a suitably approved electrician who either is employed by a firm that is a member of an accredited registered scheme operated by a recognised body or a self-employed member of an accredited registration scheme operated by a recognised body, or is able to complete, sign and submit to the Tribunal the checklist at Annex A of the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property issued on 1st December 2016 together with copies of documentary evidence in support of the checklist. The Report requires to have no recommendations in the C1 or C2 category.
2. The Landlord is required to produce a satisfactory Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register.
3. The repairing standard enforcement order requires to be complied with by 11th August 2021.

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 2006 Act.

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 witness whereof these presents typewritten on this and the preceding page are executed by Martin Joseph McAllister, solicitor, legal member of the First-tier Tribunal for Scotland at **SALTCOATS ON 8TH JULY 2021 BEFORE STEPHEN CAVANI, 68 HAMILTON STREET, SALTCOATS**

M McAllister