

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 (2)

Reference number: **FTS/HPC/RP/22/1710**

Re: Property at 3, Flat 0/2 Baronald Street, Rutherglen, Glasgow G73 1AF (registered under title number LAN45094) ("Property")

The Parties:

Christopher Purcell, 3, Flat 0/2 Baronald Street, Rutherglen, Glasgow G73 1AF ("Tenant")

Mohammed Arshad, c/o 584 Cathcart Road, Glasgow G42 8AB ("Landlord")

Aqa Property Ltd, Cathcart Road, Glasgow G42 8AB ("Landlord's Agent")

Tribunal Members :

Joan Devine (Legal Member); Nick Allan (Ordinary Member)

NOTICE TO: Mohammed Arshad ("the Landlord")

Whereas in terms of its decision dated 15 February 2023, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in that the Property does not meet the tolerable standard.

The Tribunal now requires the Landlord to carry out such works as are necessary for the purpose of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular the Tribunal requires the Landlord to :

1. Appoint a suitably qualified damp specialist to investigate and report on all areas of dampness in the Property, particularly in the living room and bathroom, and undertake all works recommended, including any enhanced ventilation, make good all plaster walls, ceilings and any woodwork affected by damp; include all necessary redecoration.
2. Appoint a suitably qualified heating engineer to report on the heating system in the Property and undertake all works recommended to ensure the heating system is fully functioning.
3. Provide to the Tribunal a current Gas Safety certificate.

4. Appoint a suitably qualified contractor to check the structural integrity of the window sills in the living room and bedroom, make good any repairs required, repair or replace the sealant where necessary and weatherproof (paint) all exposed surfaces. On completion of the works provide to the Tribunal an invoice from the contractor specifying the works carried out and a receipt evidencing payment for the works.

The Tribunal orders 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 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.

In terms of Section 63 of the Act, 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 Joan Devine, Legal Member of the Tribunal at Glasgow on 16 February 2023 in the presence of this witness :

