

Housing and Property Chamber First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

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

(Hereinafter referred to as “the tribunal”)

Case Reference Number: FTS/HPC/RT/19/2690

Re: Flat 1/01, 12 Lorne Street, Glasgow G51 1DP (“the house”)

Land Register Title No: GLA116934

The Parties:-

Glasgow City Council - Private Housing DRS, c/o 2nd floor, 231 George Street, Glasgow G1 1RX (“the third-party applicant”)

Mr Winston Moodie, residing at the house (“the tenant”) (non-participating party)

Mr Mohammed Nassim Naim, 36 Newark Drive, Glasgow G41 4PZ (“the landlord”)

Tribunal Members – Sarah O’Neill (Chairperson); Lori Charles (Ordinary (Surveyor) Member)

NOTICE TO: Mr Mohammed Nassim Naim (the landlord)

Whereas in terms of its decision dated 13 November 2019, the tribunal determined that the landlord had failed to comply with the duty imposed on him by Section 14 (1) (b) of the Act, and in particular that the landlord has failed to ensure that the house meets the repairing standard in that 1) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order and 2) the house does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire,

The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The tribunal now requires the landlord to carry out such work as is 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. Provide an up to date gas safety certificate in respect of the house by a Gas Safe registered engineer, showing that all gas installations and appliances have been checked and are working safely.
 2. Provide either:
 - a) a completed and signed checklist provided by the electrician who carried out the Electrical Installation Condition Report (EICR) dated 4 November 2019 certifying that he is competent to carry out an EICR, as required by Annex A (pages 12-13) of the statutory guidance issued by Scottish Ministers on electrical safety standards, together with the evidence of competence listed in the checklist to support this.
- or**
- b) an up to date Electrical Installation Condition Report in respect of the house by a suitably qualified and registered SELECT or NICEIC electrical contractor, or a member of NAPIT, showing that all electrical installations, fixtures and fittings and all appliances have been checked and are working safely.
3. Provide a Minor Electrical Works Installation Certificate by a suitably qualified electrical contractor which confirms that the necessary smoke and heat alarms had been properly installed in accordance with the statutory guidance. This certificate should include confirmation that the necessary works have been carried out to ensure that the heat alarm in the kitchen is interlinked to the other smoke alarms in the hall and the living room.

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.

Rights 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 Housing (Scotland) Act 2006, 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 signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the thirteenth day of November, Two Thousand and Nineteen before this witness –

Jordan Devlin

Sarah O'Neill

witness

Chairperson

JORDAN DEVLIN name in full

20 York Street address

Glasgow Tribunals

G2 8GT