

Housing and Property Chamber

First-tier Tribunal for Scotland



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

REPAIRING STANDARD ENFORCEMENT ORDER Ordered by the Tribunal

RE: All and Whole the dwelling house known as 46a North Street, Bo'ness EH51 0AG registered in the Land Register under Title no WLN2418

The Parties:

Falkirk Council, Suite 2, Callendar Business Park, Falkirk FK1 1 XR ("the Third Party")

LHP Solutions Limited (Co No SC556001), 51 Clydesdale Street, Hamilton ML3 0DD ("the Landlord")

Reference number: FTS/HPC/RT/22/4292

NOTICE TO LPH SOLUTIONS LIMITED

WHEREAS in terms of its decision dated 24 March 2023 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 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in that:

"(a) the house is wind and watertight and in all other respects reasonably fit for human habitation;

(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;

...(d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order"

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 repair or replace the windows such that all windows in the property are capable of being opened and closed as designed; have no broken panes and are reasonably draughtproof.

2 To render the front door reasonably draughtproof.

3 To carry out decorative repairs to the water damaged areas of the hall cupboard and bedroom and to remove the mould present.

4 To repair or replace the handle on the door between the livingroom/kitchen and the hall with a functioning handle.

5 To repair the door between the livingroom/kitchen and the utility room such that it can be opened and closed with ease.

6 To replace the seal on the bath.

7 To carry out decorative remedial works after completing any repairs.

The Tribunal orders that the works specified in this Order must be carried out and completed within 42 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the 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 two preceding pages are signed by John Miller McHugh, Chairperson of the Tribunal at Edinburgh on the Twenty fourth day of March Two Thousand and Twenty Three in the presence of the undernoted witness: