

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/21/2833

Re: Property at 196 Chirnside Road, Glasgow G52 2LQ ("Property")

The Parties:

Lisa Nicholson, 196 Chirnside Road, Glasgow G52 2LQ ("Tenant")

Locheden Limited, 55 Baker Street, London W1U 7EU ("Landlord")

Cairn Letting, 34 Gibson Street, Glasgow G12 8NX ("Landlord's Agent")

Tribunal Members :

Joan Devine (Legal Member); Andrew Taylor (Ordinary Member)

NOTICE TO: Locheden Limited ("the Landlord")

Whereas in terms of its decision dated 28 March 2022, 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 work 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 report on the areas of dampness in the bedrooms, kitchen and bathroom of the Property and undertake all works recommended, including any enhanced ventilation, make good all plaster walls ceilings and any woodwork affected by damp and mould; include all necessary redecoration.**

2. **Repair the toilet and wash hand basin in the bathroom to ensure that they are properly fixed to the floor and the wall.**

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 28 March 2022 in the presence of this witness :

J Devine

J Spence

NAME

40 GLASGOW TRIBUNALS CENTRE

20 YORK STREET, GLASGOW, G2 8GT.

Address