



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006,
Section 24**

Chamber Ref: FTS/HPC/RP/21/0156

Property at 7 Kirk Street, Leith, EH6 5EX

**Land Register Title Number: MID19306
("the Property")**

The Parties:-

Mr Raymond Lower 7 Kirk Street, Leith, EH6 5EX, ("the Tenant")

Mrs Jie Song, 57 Pentland View, Edinburgh, EH10 6PY ("the Landlord")

Whereas in terms of their decision dated August 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 to ensure that:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- (c) Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order.
- (d) The Property meets the tolerable standard.

the tribunal now requires the Landlord to carry out such work as is necessary for the purposes 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.

In particular the tribunal requires the Landlord:-

1. To repair or replace the front and rear exterior doors and frames to ensure that the doors are wind and watertight, in a reasonable state of repair and in proper working order and to include in particular the provision of door handles and locks such that the doors are capable of being closed without being locked and with keys for the locks being provided to the Tenant.
2. To repair the fridge freezer in the kitchen and to provide to the tribunal a Portable Appliance Test Certificate confirming the fridge freezer is safe to use, failing which to replace the freezer.

3. To install in the kitchen above the cooker a replacement cooker hood in a reasonable state of repair and in proper working order
4. In the kitchen to repair or replace the window above the sink to ensure that the window is wind and water tight, opens, closes and locks correctly and is in all other respects in a reasonable state of repair and in proper working order.
5. To repair or replace the door between the ground floor hall and the kitchen to ensure that the door opens and closes correctly and is in a reasonable state of repair and in proper working order to include in particular a door handle on each side.
6. (i) To engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the electrical installations of the Property and thereafter to undertake all works required to ensure that the entire system is safe and in proper working order to include in particular a check of the electrical shower circuit and the electrical sockets within the Tenant's bedroom on the first floor of the Property (Room 4).
- (ii) On completion of the works referred to in 6(i) above to provide to the tribunal a copy of the EICR with no items marked as Category 1 or Category 2.
7. (i) To engage a suitably qualified plumbing contractor to undertake an inspection of the boiler and the bath and shower within Room 4 and to provide to the tribunal a report detailing any works required to ensure the boiler and shower installation is in a reasonable state of repair and in proper working order and to execute any repairs identified by the contractor as being necessary.
- (ii) On completion of the works referred to in 7(i) above to provide to the tribunal written confirmation that the boiler and shower installation is in proper working order and an up-to date satisfactory Gas Safety Record dated after the date of this Order.
8. On the first floor, to repair or replace the door into Room 4 together with the bathroom door within Room 4 to ensure that the doors are in a reasonable state of repair and in proper working order, that they open and close correctly and do not interfere with each other, and to include in particular the provision of door handles and locks such that the doors are capable of being closed without being locked and with keys for the locks being provided to the Tenant.

The tribunal orders that the works specified in paragraph (a) of this Order must be carried out and the specialist report referred to therein delivered to the tribunal within the period of 3 months from the date of service of this Notice.

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 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 two preceding pages are executed by Miss Gillian Buchanan, Solicitor, 3rd Floor, Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT, Legal Member of the tribunal at Dundee on 30 August 2021 before this witness:-

G. Buchanan

witness

Legal Member

Tain James Buchan

name in full

Dundee

DD1 4BJ