

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006

Property: 2 Sighthill Grove, Edinburgh EH11 4QN

Chamber Ref: FTS/HPC/RP/17/0324

Re: Ms Kelly Anderson, formerly 2 Sighthill Grove, Edinburgh, EH11 4QN (“The Tenant”)

Mr Niel Jorgensen, care of Matriix Property Management Limited, 132 St Stephen Street, Edinburgh, EH3 5AA (“The Landlord”)

Tribunal Members – George Clark (Legal Member/Chair) and David Lawrie (Ordinary Member/surveyor)

Whereas in terms of their decision dated 16 November 2017, 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”), the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned 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 the defective seal in the top hopper of the window in the master bedroom;
- (2) to secure or replace the patio doors in the Property;
- (3) to secure the side and end bath panels;
- (4) to exhibit to the Tribunal an Electrical Installation Condition Report, issued by an electrical contractor who is registered either with NICEIC or with SELECT, and dated after 16 November 2017;
- (5) to rehang or replace the mirrored wardrobe door in the master bedroom or, alternatively, to remove it and redecorate the affected area; and
- (6) to make good the plasterwork beneath the electrical sockets throughout the Property and redecorate as necessary.

The Tribunal orders that the works specified in this Order must be carried out within the period of 6 weeks from the date of service of the Order.

Right 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 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, typewritten on this and the preceding page, are executed by George Barrie Clark, Legal Member and Chair of the Tribunal, at Lasswade, on 16 November 2017 before this witness Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian,

G Clark

____ Legal Member/Chair

V Clark

____ Witness