

Housing and Property Chamber

First-tier Tribunal for Scotland



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/17/0355

Title no/Sasines Description: MID43397

Property address: 43/5 Durar Drive, Edinburgh EH4 7HW ("The house")

The Parties:-

Ms Sharon Hendry, formerly residing at "the house" and now treated as having withdrawn her application ("the tenant")

Mrs Kadira Liton, 20 East Craigs Wynd, Edinburgh EH12 8HJ ("the landlord")

Whereas in terms of their decision dated 23 January 2018 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 the house meets the repairing standard with reference to the following provisions of Section 13 of the Act as amended:-

- (a) The house is wind and watertight and in all other aspects reasonably fit for human habitation;
- (b) any fixtures, fittings or appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- (c) the house has a satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire.

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:-

- (a) To obtain a report in respect of the dampness in the two westerly bedrooms of the property from a suitably qualified damp specialist surveyor or other such specialist to

confirm the nature and extent of the damp in the bedrooms, thereafter to attend to such work as is identified in terms of such report.

- (b) To submit to the tribunal an up to date and satisfactory Electrical Installation Condition Report (EICR) in respect of the installations in the house for the supply of electricity and the electricity fixtures and fittings.
- (c) To instal hard wired and interlinked smoke alarms in the hall and kitchen to ensure there is satisfactory provision for detecting fires and to give warning in the event of fire or suspected fire.

The tribunal order that the works specified in this Order must be carried out and completed within the period of six 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.

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 Mark Thorley, chairperson of the tribunal at Edinburgh on 7 February 2018 before this witness:-

M Thorley

____ witness

____ chairperson

ALISON GIBSON name in full

51 SOUTH BRIDGE Address

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