

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/17/0370

Title no/Sasines Description: MID70342

Property Address: 122/4 Duke Street, Edinburgh EH6 8HR

The Parties:- Mrs Maureen Kay, 122/4 Duke Street, Edinburgh EH6 8HR ("the tenant") represented by Andrew McCloskey, Community Help & Advice Initiative, ELS House, 555 Gorgie Road, Edinburgh EH11 3LE

Mr Khwaja Akbar Mir, Craigroyston House, 50 West Shore Road, Edinburgh EH5 1QH and Mrs Sabira Mir, Craigroyston House, 50 West Shore Road, Edinburgh EH5 1QH ("the landlords")

The landlords are represented by Alan Mauran

Whereas in terms of their decision dated 3 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(1)(a) of the Act as amended:-

- (a) The house is wind and watertight and in all other aspects reasonably fit for human habitation;

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 dampness in the property from a suitably qualified damp specialist surveyor or such other specialist to confirm the nature and extent of the damp and thereafter to attend to such work as is identified in terms of such report.

The tribunal order that the works specified in this Order must be carried out and completed within the period of eight 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 30 January 2018 before this witness:-

_____ witness _____ M Thorley _____ chairperson

ALISON GIBSON name in full

51 SOUTH BRIDGE Address

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