

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

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

(Hereinafter referred to as “the tribunal”)

Case Reference Number: FTS/HPC/RP/20/0886

Re: 12 Lesmuir Drive, Scotstoun, Glasgow, G14 0EQ (“ the house”)

Land Register Title No: GLA203934

The Parties:

Miss Karen Grant, residing at the house (“The tenant”)

Mrs Nirmal Kaur Sumal and Mr Joghinder Singh Sumal, 15 Wyvis Avenue, Bearsden G61 4RD (“The landlords”)

NOTICE TO: Mrs Nirmal Kaur Sumal and Mr Joghinder Singh Sumal (the landlords)

Whereas in terms of its decision dated 30 August 2021, the tribunal determined that the landlords had failed to comply with the duty imposed by Section 14 (1) (b) of the Act, and in particular that the landlords have failed to ensure that the house meets the repairing standard in that:

- the house is not wind and watertight and in all other respects reasonably fit for human habitation.
- the structure and exterior of the house (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order
- the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order.
- some fixtures, fittings and appliances provided by the landlord under the tenancy are not in a reasonable state of repair and in proper working order.

The tribunal therefore makes a Repairing Standard Enforcement Order (RSEO) as required by section 24 (2) of the Act.

The tribunal now requires the landlords to carry out such work as is necessary for the purpose of ensuring that the house 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 landlords to:

1. Adjust, repair and replace as necessary the pipework below the kitchen sink to ensure that water from the overflow discharges into pipework connected to the drainage system and on completion all is free from leakage.
2. Adjust, repair and replace as necessary the pipework connecting the WC to the drainage pipework passing through the outer wall to ensure it discharges correctly and is free from leakage. Ensure that the WC is firmly fixed to the floor to prevent strain on pipe joints during normal usage. Once the timber floor boards have dried out, check to ensure that their structural integrity is not compromised. If the structural integrity is compromised, repair or replace any affected sections of timber boards as necessary.
3. Adjust, repair or replace the taps to the bathroom sink as necessary to ensure that these are secured in position and are in proper working order and operate as intended.
4. Remove existing damaged inner windowsill on the stairway in the hall and replace this in a form and style similar to that which existed before the damage occurred.
5. Adjust, repair and replace as necessary roof coverings, gutter linings and rainwater pipework in the area behind the parapet wall at the front of the house such that rainwater is collected and discharged to the rainwater drainage system, and ingress to the interior of the property is prevented, to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
6. Remove all water damaged areas of wall and ceiling linings in the upstairs front bedroom and the living room. Uplift floor coverings to expose floorboards, and if required floor structures, in areas adjacent to damaged walls and ceilings. Dry out the underlying structure. Reinstate floorboards if necessary. Reinstate wall and ceiling linings to match what previously existed.

7. Replace the floor covering in the front bedroom to ensure that it is in a reasonable state of repair and in proper working order.
8. Infill the hole in the ceiling of the rear bedroom to ensure that the ceiling is wind and watertight.
9. Clean, ease and adjust the operating mechanism to the opening sashes in the back (upstairs) bedroom window as required, to enable them to operate without the need for undue force to be applied, ensuring that the window is in a reasonable state of repair and in proper working order.
10. Adjust, repair or replace either elements of the front door or the entire front door to ensure there is an intact, secure letter plate mechanism, a complete, operational and secure locking system and the door leaf does not foul the frame.
11. Adjust the skirting (plinth) below the main row of base units (below oven/hob and adjacent units) in the kitchen as required, and provide fixings to secure this in place.
12. Replace the doors to the two upstairs bedrooms with fully operational doors complete with necessary ironmongery. If glazing is to be incorporated, this should be of toughened glass.
13. Replace missing sections of uPVC trim above window frame in downstairs rear bedroom. Ensure that these are properly fixed and sealed to the surrounding walls and window frame.
14. Adjust or replace the vinyl floor covering in the bathroom to ensure any unevenness is eliminated.
15. Provide sections of laminate flooring in the kitchen to infill the gaps currently existing. Such laminate should match in size and thickness the existing flooring and leave a level and even surface.
16. Uplift, remove and replace water damaged sections of laminate flooring in the upstairs front bedroom. Such replacement laminate should match in size and thickness the existing flooring and leave a level and even surface.
17. Obtain a report from a suitably qualified engineer on the heating and hot water systems within the house. Provide a copy of the report to the tribunal for its approval. Once approved by the tribunal, implement any recommendations made in the report in order to ensure that the heating and hot water systems are in a reasonable state of repair and proper working order.

18. Engage a suitably qualified electrical contractor to carry out the works identified in the C2 and F1 observations in the EICR dated 17 May 2021 in respect of the house, including those relating to the ceiling light fittings. Provide written confirmation from a registered electrical contractor on completion of these works that the entire electrical installation is in a satisfactory condition.
19. Supply and fit a replacement clip to retain the inner pane of glass in the oven door to ensure that is safe and in a reasonable state of repair and in proper working order.
20. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal orders that all of the works specified in this order must be carried out and completed within the period of twelve weeks from the date of service of this notice.

Rights 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 Housing (Scotland) Act 2006, 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 three preceding pages are signed by Sarah Frances O'Neill, solicitor, Chairperson of the First-tier

