

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/21/0065

Re: Property at 95 Maree Drive, Condorrat, Cumbernauld, G67 4LW registered in the Land Register for Scotland under Title Number DMB72653("the Property")

The Parties:

Miss Jessica Merchant ("the Tenant") residing at the Property

Salah Alkirwi and Linda Alkirwi residing at 23 Earls Hill, Balloch, Cumbernauld G68 9ET trading as Earls Homes, 47 Main Street, Cumbernauld, G67 2RT ("the Landlord")

Tribunal Members:

Karen Moore (Chairman) and Kingsley Bruce (Ordinary Member)

Notice to Landlord

Salah Alkirwi and Linda Alkirwi residing at 23 Earls Hill, Balloch, Cumbernauld G68 9ET and trading as Earls Homes, 47 Main Street, Cumbernauld, G67 2RT

Whereas in terms of its decision dated 25 June 2021, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and, in particular, that the Landlord has failed to comply in respect of Sections 13(1)(a), 13(1) (b), 13(1) (c), 13(1) (d) and 13(1) (h) of the Act the First-tier Tribunal now requires the Landlords to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before 31 August 2021:-

1. With regard to the report on the Property dated 15 June 2021 prepared by by Curol Limited of 38 Avon Street, Larkhall ML9 1AT, carry out and complete all works recommended in that report to ensure that the dampness in the Property is eradicated and that the Property is made wind and watertight, is in a reasonable state of repair and meets the tolerable standard;
2. Repair or replace the floor and flooring in both the main bedroom and the bathroom of the Property;
3. Repair or replace the defective plumbing in the bathroom of the Property;
4. Replace the decayed timber skirting in the main bedroom of the Property
5. Instruct a suitably qualified contractor to inspect and report on the condition of the windows throughout the Property, to submit the report to the Tribunal and the Tenant and to carry out all repairs noted in that report or, in the event that repair is required but is not possible, to replace all defective window units;
6. Submit to the Tribunal a copy of certification for the boiler installed in the Property and
7. Make good all décor damaged as a result of these works.

Note to Landlord:-

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not

exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the two preceding pages are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 6 July 2021 before this witness Norman William Moore, solicitor of 1A, South Muirhead Road, Cumbernauld G67 1AX

NW Moore Witness

K Moore