

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/21/1443

Re: 98 Main Street, East Kilbride G74 4JY (“the house”)

Land Register Title No: LAN189570

The Parties:-

Ms Yvonne Paterson, residing at the house (“the tenant”)

Mr Peter More, Rockcliffe, Castle Road, Wemyss Bay PA18 6AN (“the landlord”)

Maitlands Solicitors, 6A Brougham Street, Greenock PA16 8AA (“the landlord’s solicitor”)

Tribunal Members:

Sarah O’Neill (Chairperson) and Mike Links (Ordinary (Surveyor) Member)

NOTICE TO: Mr Peter More (the landlord)

Whereas in terms of its decision dated 13 June 2022, 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 landlord 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 gutters, drains 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 gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order
- any 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 house does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire

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

The tribunal now requires the landlord 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 landlord to:

1. Install interconnected smoke alarms in the living room and hallway and a heat alarm in the kitchen in accordance with the statutory guidance, which can be found on the [Chamber's website](#).
2. Engage a suitably qualified plumber to examine the plumbing in the bathroom and carry out all works necessary to ensure that there are no further leaks from the toilet and that the toilet is in a reasonable state of repair and in proper working order.
3. Instruct a timber and damp specialist company which is registered with the Property Care Association to produce a report on dampness and possible timber decay in respect of the bathroom floor and sub-floor. Send a copy of the report to the tribunal for its approval. Once the report has been approved, carry out any remedial works recommended in that report, in order to ensure that the bathroom floor is wind and watertight and in all other respects reasonably fit for human habitation.
4. Once any works recommended in the report at item 3 above have been carried out, replace the missing bathroom tiles to match the rest of the bathroom tiles insofar as possible.
5. Repair or replace the rubber/plastic outlet on the kitchen sink tap to ensure that it is in a reasonable state of repair and in proper working order.

6. Replace the front door with a new door that is wind and watertight and is in a reasonable state of repair and in proper working order.
7. Having regard to the findings of the Eco Surveys report, and after obtaining any necessary consents, repair or replace the windows and window sills throughout the house as necessary to ensure that they are wind and watertight, and in a reasonable state of repair and in proper working order.
8. After obtaining any necessary consents, repair or replace the top step to ensure it is safe and is in a reasonable state of repair and in proper working order.
9. Engage a pest control company which is a member of the British Pest Control Association to investigate, control and prevent any potential points of entry for mice or other vermin. Obtain a report from that company and send the report to the tribunal for approval. Subject to the tribunal's approval, follow any recommendations made with regard to rodent infestation.
10. Replace the toilet seat to ensure that it is in a reasonable state of repair and in proper working order.
11. Repair or replace the integrated dishwasher door to ensure that the dishwasher is in a reasonable state of repair and in proper working order.
12. Repair or replace the panel between the two window units in the kitchen to ensure that it is secured and is in a reasonable state of repair and in proper working order.
13. Replace the silicone sealant behind the kitchen sink to ensure that it is in a reasonable state of repair and in proper working order.
14. Provide to the tribunal an up to date Electrical Installation Condition Report (EICR) and PAT test certificate for the house, showing that all electrical installations, appliances and fixtures and fittings supplied by the landlord within the house have been checked and are working safely. The EICR and PAT test certificate must be produced by either:
 - a suitably qualified and registered SELECT or NICEIC contractor
 - a member of NAPIT, or
 - a contractor who is able to provide evidence that they are a 'competent person' i.e. a completed and signed checklist, as set out at Annex A on page 13 of the guidance by Scottish Ministers on Electrical Installations and Appliances in Private Rented Property, which can be found on the [Chamber's website](#).

15. 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 Tribunal (Housing and Property Chamber), at Glasgow on the thirteenth day of June, Two Thousand and Twenty-Two before this witness –

__B.Johnston__ witness S.O'Neill____ Chairperson