

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/21/2892

Property: Marmel, Main Street, Auchtertool, Kirkcaldy KY2 5TH (“the property/house”)

Title No: FFE94204 (part)

The Parties:-

Ms Lisa-Marie Wilson, sometime Marmel, Main Street, Auchtertool, Kirkcaldy KY2 5TH (“the Tenant”)

Miss Elspeth Hunter, c/o Marmel, Main Street, Auchtertool, Kirkcaldy KY2 5TH (“the Landlord”)

Tribunal Members:

George Clark (Legal Member/Chairman) and Geraldine Wooley (Ordinary/surveyor Member)

Whereas in terms of their Decision dated 4 May 2022, 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”), 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 to:

1. Exhibit to the Tribunal a recent Electrical Installation Condition Report from a suitably qualified electrical contractor, containing no C1 or C2 items of disrepair, or alternatively, a Minor Installation Certificate stating that the issue of water affecting the electrics in the Property has been resolved.
2. Provide confirmation from a suitably qualified electrician that the system of fire and smoke detection within the Property is in working order and compliant with current regulations and Government Guidelines.
3. Provide evidence by way of a specification, estimate and receipt from a suitably qualified contractor that works have been carried out to prevent any leaks from the toilets in the Property and to ensure that the seals around the bath and shower are watertight.

4. Provide evidence, satisfactory to the Tribunal, that the water supply and taps to all basins, baths and sinks in the Property are in proper working order. Such evidence should include dated photographs showing each tap running.
5. Provide a satisfactory Portable Appliance Test (PAT test) in respect of the dishwasher in the Property and
6. Provide a copy of the current Home Report in respect of the Property.

The Tribunal orders that the works required by this Order must be carried out within six weeks of the date of service of this Order on the Landlord.

Right 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.

IN WITNESS WHEREOF these presents, typewritten on this and the preceding page, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 4 May 2022 before this witness, Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

....G.Clark..... Legal Member/Chair Witness