

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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### **Repairing Standard Enforcement Order** **Ordered by the First-tier Tribunal for Scotland** **(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/RP/23/1148**

**Flat 1-1, 129 John Street, Dunoon, Argyll, PA23 7BL being the subjects registered in the Land Register of Scotland under Title Number ARG657 ("the Property")**

**The Parties:-**

**Stephen Wilson residing at Flat 1-1, 129 John Street, Dunoon, Argyll, PA23 7BL ("The Tenant")**

**Alister MacAlister residing at 134 John Street, Dunoon, PA23 7BN ("The Landlord")**

**Tribunal Members:**

**J: Taylor (Chairperson) and N: Allan (Ordinary Member)**

#### **NOTICE TO** **Alister MacAlister**

Whereas in terms of their decision dated 7<sup>th</sup> August 2023 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 and in particular the Landlord has failed to ensure that: the Property is wind and watertight and in all other respects reasonably fit for habitation; the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order; any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and proper working order; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order; the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property complies with the Tolerable Standard.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property 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 a valid and compliant EICR Certificate.
2. Install:
  - 2.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.
  - 2.2 One functioning smoke alarm in every circulation space, such as hallways and landings.
  - 2.3 One heat alarm in every kitchen and
  - 2.4 All alarms should be interlinked and the installation should comply with the regulations.
3. Repair or replace the windows in the living room to render them in proper working order.
3. Repair or replace the velux window to render them in proper working order.
4. Repair or replace the electric panel heaters to render them in proper working order.
5. Repair the electric shower to render it in proper working order.
6. Repair the cracked ceilings in the main bedroom and living room to render them in a reasonable state of repair.
7. Repair the cracked bathroom tiles to render them in a reasonable state of repair.
8. Repair the bathroom ceiling to render it in a reasonable state of repair.
9. Repair the defective seal to the wet wall in the bathroom to render it in a reasonable state of repair.
10. Repair the sink in the bathroom to render it in proper working order.

The Tribunal orders that these works must be carried out and completed by 30<sup>th</sup> October 2023.

**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 and landlord's successor in title) 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 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 two preceding pages are subscribed at Glasgow on 7<sup>th</sup> August 2023 by Ji Taylor, chairperson of the Tribunal, in the presence of the witness M. Taylor,

Signed.....

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Chairperson

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.....witness