

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



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

**REPAIRING STANDARD ENFORCEMENT ORDER (RSEO)**

Housing (Scotland) Act 2006 Section 24(1) ('the Act')

**Chamber Ref: FTS/HPC/RT/19/1744**

**Property at Flat 0/1, 221 Langside Road, Glasgow G42 8XY**

**Land Register Title Number GLA81313**

**('The Property')**

**PARTIES:**

**Mr Florin Teglas, Flat 0/1, 221 Langside Road, Glasgow G42 8XY**

**('The Tenant')**

**Mrs Rukhsana Ahmed, 25 Hillside Road, Glasgow G43 1DB**

**('the Landlord')**

Whereas in terms of their Decision dated 9<sup>th</sup> August 2019 , 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') and in particular the Landlord has failed to ensure that the property meets the Repairing Standard with reference to the following provisions of section 13 (1) of the Act, as amended:-

- (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;
- (f) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire; and
- (g) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purpose 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:

- (i) Install an operational fire detection and warning system including at least: one functioning smoke alarm in the room which is frequently used for general day time living purposes (in this case the living room) ; one functioning smoke alarm in every circulation space (in this case the entrance hall); one heat alarm in the kitchen. All alarms should be ceiling mounted and interlinked. The system should comprise either mains-operated alarms or tamper-proof long life lithium battery alarms and comply with the Scottish Government current Guidance for Private Landlords on satisfactory provision for detecting and warning of the fires;
- (ii) Install one Carbon Monoxide Detector in every space containing a fixed combustion appliance (in this case the kitchen). The location and type of detector should comply with the Scottish Government statutory Guidance for the provision of Carbon Monoxide alarms in Private Rented Housing;
- (iii) Repair, overhaul or replace the extractor fan in the toilet/shower room and to leave in full working order and in compliance with Building Regulations;
- (iv) Repair, overhaul or replace the cistern to the WC within the toilet/shower room and to leave in a reasonable state of repair and proper working order;

(v) Repair or replace the cracked sealed double glazed unit in the living room window (lower left window when viewed from inside) and to leave in a reasonable state of repair.

The Tribunal order that the works specified in this Order must be carried out and completed WITHIN 30 DAYS from the date of receipt of this Order.

A Landlord, Tenant or Third Party applicant aggrieved by the Decision of the Tribunal may seek permission to appeal from the First-tier on a point of law only 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 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 all in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the two preceding pages are executed by Joseph Christopher Hughes, Legal Member and Chairperson of the tribunal at Glasgow on 12<sup>th</sup> August 2019 in the presence of the undernoted witness :-

Legal Member/Chair

[Housing and Property Chamber]

Witness (Ian Mark McClelland, Solicitor)

J C Hughes Solicitors

1028 Tollcross Road Glasgow G32 8UW