

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**

Re: 74 Murray Street, Paisley, PA13 1QT (“the House”)

Title number: REN 3976

Chamber Ref: FTS/HPC/RT/22/0728

Parties:

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1JD
 (“the Third Party Applicant”)**

**Mr Stuart Henderson, 37 Kinpurnie Road, Paisley, PA1 3HG; 15/2 Carriagehall
 Drive, Paisley, PA2 6JG (“the Landlord”)**

Tribunal Members:

Nicola Weir (Legal Member) and Nick Allan (Ordinary Member)

Whereas in terms of their decision dated 13 September 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”) and in particular that the Landlord has failed to ensure that the House meets the repairing standard with reference to the following provisions of Section 13 of the Act, as amended:-

- (a) the house is wind and watertight and in all other respects reasonably fit for human habitation;
- (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;

- (d) any fixtures, fittings and appliances provided by the landlord under the tenancy 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.
- (h) The house meets the tolerable standard.

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:-

- (1) To instruct either a Chartered Building Surveyor, or an Architect, to inspect the kitchen roof structure (external and internal) and to prepare a report on the structural integrity of the roof, to include comment on:-
 - Arrangements for tying it into the main house;
 - Arrangements for tying it into the supporting walls of the kitchen;
 - Water ingress and dampness;
 - Pitch, flashings, verges, rainwater run-off and rainwater goods; and
 - Whether the relevant requirements of the Building (Scotland) Act 2003 are met.

Thereafter, to submit a copy of the said report to the Tribunal and undertake the necessary works to the kitchen roof structure to ensure that it is in a reasonable state of repair and structurally sound and that the House is wind and watertight and in all other respects reasonably fit for human habitation.

- (2) To instruct a suitably qualified timber preservation and dampness specialist to undertake an inspection of the property, to include inspection of:-
 - the bathroom, where there is rot in the floor; and
 - the kitchen and snug, where there is mould on the snug ceiling and dampness in the wall between the kitchen and the snug

and to prepare a report on the extent of the dampness and rot and the source(s) of same.

Thereafter, to submit a copy of the said report to the Tribunal and have the necessary works completed to any areas identified in the said report to ensure that these areas are in a reasonable state of repair and structurally sound and that the House is wind and watertight and in all other respects reasonably fit for human habitation.

- (3) To install a heat detector in the kitchen interlinked to the hard-wired smoke detectors in compliance with current Scottish Government Guidance on Smoke Alarms in Private Lets to ensure that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- (4) To submit to the Tribunal an up to date, satisfactory and complete Electrical Installation Condition Report (EICR) in respect of the installations in the House for the supply of electricity and the electrical fixtures and fittings, including the smoke and heat detectors, and a Portable Appliance Test (PAT) in respect of any portable electrical appliances from a suitably qualified and registered SELECT, NICEIC or NAPIT contractor to ensure that the installations in the house for the supply of electricity are in a reasonable state of repair and in proper working order.
- (5) To install a carbon monoxide detector in an appropriate location near the gas boiler in the kitchen to ensure that the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- (6) To repair or as necessary replace the areas of defective rendering and roughcast on the chimney head, side gable and rear exterior walls of the House to ensure that these are in a reasonable state of repair and in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed within a period of **12 weeks** from the date of this Order.

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.

In terms of Section 63 of the Act, 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 in terms of Section 28(5) of the Act.

In witness whereof these presents typewritten on this and the preceding page are executed by Nicola Weir, Legal Member of the Tribunal, at Glasgow on 14 September

2022 in the presence of the undernoted witness:- FT Weir
