

Housing and Property Chamber First-tier Tribunal for Scotland



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

**REPAIRING STANDARD ENFORCEMENT ORDER: Housing (Scotland) Act 2006
section 24(2)**

Chamber Reference: ETS/HPC/RT/22/0851

**Title Number: Subjects registered in the Land Register of Scotland under Title
Number ABN56737**

The Parties

**Aberdeenshire Council, Infrastructure Services (Housing), Gordon House,
Blackhall Road, Inverurie, Aberdeenshire, AB51 3WA (“the Third Party
Applicant”)**

**Miss Elizabeth Cowan, 23 Provost Davidson Drive, Ellon, Aberdeenshire, AB41
9BQ (“The Tenant”)**

**Mr Naeem Tariq, 3 Cullion Way, Motherwell, North Lanarkshire, ML1 5SF (“The
Landlord”)**

**Subjects: 23 Provost Davidson Drive, Ellon, Aberdeenshire, AB41 9BQ (“the
Property”)**

NOTICE TO

Mr Naeem Tariq, 3 Cullion Way, Motherwell, North Lanarkshire, ML1 5SF

Whereas in terms of their decision dated 22nd June 2022, the First-tier Tribunal for Scotland (Housing and Property Chamber) has 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:

- (i) The Property is wind and watertight and in all other respects reasonably fit for human habitation;
- (ii) The structure and exterior of the house (including drains, gutters and external pipes) is in a reasonable state of repair and in proper working order;

- (iii) 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;
- (iv) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- (v) The Property 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 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. Repair or replace all external windows and doors, including the patio doors, to ensure they are wind and watertight, and capable of opening and closing, latching and locking, in the correct manner.
2. Repair or replace the door latch and furniture to the inner door between the front porch and the sitting room, to ensure it latches and is in proper working order.
3. Install a functioning downpipe to the rear elevation of the Property.
4. Inspect and ensure the proper working of the guttering to the front elevation of the Property.
5. Ensure the guttering is cleaned and in proper working order.
6. Repair or replace the soffits, ensuring they are adequately painted and in proper working order.
7. Install a proper surface on the top of the back door steps to ensure they are level and in proper working order to provide safe passage to the garden area.
8. Remove the waste material from the sub-floor of the kitchen.
9. Repair or replace the pipework from the kitchen appliances to the drainage system and ensure all waste water outfalls to the public foul drain.
10. Ensure the solum has dried out fully.
11. Repair the hole in the kitchen floor.
12. Replace the kitchen flooring and floor covering.

13. Repair or replace the kitchen units to ensure they are in proper working order.
14. Replace the kick plate beneath the sink unit and dishwasher.
15. Repair or replace the shelf under the kitchen sink.
16. Replace the cistern lid in the bathroom and ensure the cistern is in proper working order.
17. Investigate and repair any leak at the base of the toilet pan, ensuring the bathroom floor is stable, and any damaged area of floor is replaced.
18. Replace the bathroom floor covering.
19. Repair or replace the showerhead bracket.
20. Repair or replace the bathroom lock to ensure the lock functions in a proper manner.
21. Repair or replace the cold water tap on the bath to ensure it is in proper working order.
22. Decorate the living room ceiling.
23. Replace the garage door.
24. Reinstall the garage tap to ensure it is in proper working order.
25. Provide a current updated Electrical Installation Condition Report.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of six weeks from the date of service of this Notice.

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 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 Property at any time during which a RSEO has effect in relation to the Property. This is in terms of Section 28(5) of the Act.

In witness whereof these presents typewritten on this and the preceding three pages are executed by Helen Forbes, solicitor, chairperson of the Tribunal at Inverness on 22nd July 2022 before this witness Ishbel Wright, 20 Ardholm Place, Inverness.

H.Forbes Legal Member