

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**

Chamber Ref: FTS/HPC/RP/17/0167

Title no: ABN63239

144 Osborne Place, Aberdeen AB25 2DU ("The House")

The Parties:-

**Mr Luis De Basto, 144 Osborne Place, Aberdeen AB25 2DU ("the Tenant" and
"the Applicant")**

**Ms Claire Dewick or Magnus, Gilston House, Elgin IV30 or 24 Gairn Terrace,
Aberdeen AB10 6BB ("the Landlord")**

**Mr Duncan Kerr, AM PM Leasing Property, 441 Union Street, Aberdeen AB11
6DA ("the Landlord's Agent")**

Whereas in terms of their decision dated 28th August 2017 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:-

- (a) The house is wind and watertight and in all other respects reasonable fit for human habitation
- (b) that the installations in the house for the supply of water, gas and electricity for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order; and
- (c) that the fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

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:-

- (a) To provide a Gas Safety Certificate for the house from a Gas Safe Registered Engineer addressing the working order, condition and safety of the gas installation and the Boiler and issued within the last six months and should

also address whether there is a carbon monoxide alarm which complies with the statutory guidance in the house.

- (b) To provide an Electrical Installation Condition Report (EICR) showing the electrical installation reaches a satisfactory standard with no C1 or C2 items reported and to be dated after the date of the inspection by the Tribunal, which report should be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor.
- (c) To carry out such works as are necessary to the roof and rainwater goods of the house to prevent water ingress along the front elevation.
- (d) To repair or replace the shower enclosure and tray within the en-suite shower room such that they do not leak and are otherwise in a reasonable state of repair.
- (e) To make good the ceiling linings and decoration of the kitchen ceiling
- (f) To investigate and repair the light switch or light fitting in the master bedroom such that the light is in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 28 days 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.

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 type written on this and the preceding pages are executed by Gabrielle Miller, solicitor, chairperson of the Tribunal at Dundee on 26th September 2017 in the presence of the undernoted witnesses: -

G Miller

chairperson

— witness

Ronald S. MacWhirter name in full

CALEDONIAN HOUSE address

GREENMARKET, DUNDEE