

Housing and Property Chamber
First-tier Tribunal for Scotland



Repairing Standard Enforcement Order

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

Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RP/21/0143

Re Property: 1D Meadowside Place, Clarkston, Airdrie, ML6 7AW

Parties:

Mrs Helen McPhail, 1D Meadowside Place, Clarkston, Airdrie, ML6 7AW (“the Applicant”), and

Mr Alasdair Lawson and Ms Mary Lawson, both residing at 18 Finlayson Drive, Airdrie, ML6 8LU (“the Respondents”)

Tribunal Members:

G McWilliams- Legal Member

L Charles - Ordinary Member

The Order

1). Whereas in terms of their Decision dated 5th September 2021 The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent 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 Property is wind and watertight and in all other respects reasonably fit for human habitation and does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and if carbon monoxide is present in a concentration that is hazardous to health,

2) The Tribunal now requires the Respondent to carry out such works as are necessary for the purpose of ensuring that the House meets the Repairing Standard; and

3) The Tribunal orders that:-

a) The Respondent has to carry out such works as are required to ensure that the Property is wind and watertight and in all other respects reasonably fit for human habitation, all in terms of Section 13(1)(a) of the 2006 Act. Specifically the Respondent has to instruct a window and door specialist to:

- i) repair or replace the seals and handles in and on both windows in the living room and in and on the windows in the kitchen and in each of the three bedrooms, and storage room, in the Property, and**
- ii) replace the sealed glazed units in the veranda door in the living room and in the second bedroom; and**
- iii) carry out such works as are necessary to ensure that all windows in the rooms in the Property are free from mist between their glazed units.**
- iv) replace the locking mechanism in the veranda door in the living room in the Property, and**
- v) repair or replace the safety lock in the front window in the living room in the Property, and**
- vi) refit/adjust the UPVC front door and replace the fascia surrounding that door.**
- vii) Provide a full report, and invoice, in respect of the above works.**

a) The Respondent has also to carry out such works as are required to ensure that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and if carbon monoxide is present in a concentration that is hazardous to health, all in terms of Section 13 (1) (f) and (g) of the 2006 Act. Specifically the Respondent has to:

- i) install a heat detector and CO monitor in the kitchen, which comply with current health and safety guidelines ; and**
- ii) install a smoke detector in the hallway, which complies with current health and safety guidelines**

4) The Tribunal orders that the works specified in this Order must be carried out and completed by 30th November 2021.

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 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 Gerry McWilliams, Solicitor, Legal Member of the Tribunal, at Glasgow on 8th October 2021, before this witness:-

Carol Cassidy Witness

G McWilliams Legal Member

G McWilliams