

Housing and Property Chamber First-tier Tribunal for Scotland



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

Repairing Standard Enforcement Order ("RSEO")

Housing (Scotland) Act 2006 ("the Act") Section 24 ("the Act")

Chamber Ref: FTS/HPC/RP/20/1988

Title number: ELN7306

Re: 16 Robertson Avenue, Prestonpans, EH32 9AL ("the property")

The Parties:

Miss Elaine Winters, 16 Robertson Avenue, Prestonpans, EH32 9AL ("the tenant")

Ms Jurgita Friis-Jorgensen, 921-k Estrada Municipal, U 537 Faro, 8600-210, Praia Da Lagos, Portugal; 6 Caraben Brae, Dolphinton, West Linton, EH46 7HF ("the landlord")

Represented by Stuart Miller, Northwood, 13 Comely Bank Road, Edinburgh, EH4 1DR ("the landlord's representative")

Whereas, in terms of its decision dated 26th August 2021, the Tribunal determined that the landlord had failed to comply with the duty imposed by section 14 (1) (b) of the Act and in particular that the landlord had failed to ensure at all times during the tenancy that, any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order as required by sections 13 (1) (d) and 13 (1) (g) of the Act, 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 to:-

- (i) instruct a reputable contractor to apply new flooring to the kitchen.
- (ii) complete any other work necessary to ensure that the flooring in the kitchen is in a reasonable state and in proper working order.
- (iii) install satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The Tribunal orders that the works specified in this Order must be carried out and completed within the period of **FOUR WEEKS** from the date of service of this Order.

Appeals

1. In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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 within 30 days of the date the decision was sent to them.
2. 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.
3. Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with an 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 agreement in relation to a house at any time during which an 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 page(s) are executed by
Ms S Sweeney, Legal Chair of the Tribunal at Glasgow on 4th September 2021 before this witness:

S Sweeney

Sweeney, Legal Chair, Glasgow.

B. Divers, witness, 1 Carlton Place, Glasgow, G5 9TW