

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)**

**Chamber Ref: FTS/HPC/RT/22/2028**

**Property : 16 Stewartry Avenue, Dumfries DG2 0PG (registered under title number DMF13850) ("Property")**

**Parties:**

**Dumfries & Galloway Council, Housing and Licensing Standards, Municipal Chambers, Buccleuch Street, Dumfries DG1 2AD ("Third Party")**

**Suzanne Skinner, 16 Stewartry Avenue, Dumfries DG2 0PG ("Tenant")**

**John and David Yorke, 46 Drumlane Road, Upperlands, Maghera, County Londonderry BT46 5XE ("Landlord")**

**Tribunal Members :**

**Joan Devine (Legal Member); Nick Allan (Ordinary Member)**

**NOTICE TO: John and David Yorke ("the Landlord")**

**Whereas in terms of its decision dated 23 February 2023, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in that the house is not wind and watertight; the installations in the Property for the supply of water and for space heating are not in a reasonable state of repair and in proper working order and the Property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.**

**The Tribunal now requires the Landlord to carry out such work as are necessary for the purpose of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.**

**In particular the Tribunal requires the Landlord to :**

- 1. Install a smoke alarm in the living room, position a carbon monoxide monitor in accordance with Scottish Government requirements, fit a heat detector in the kitchen, and ensure all alarms are interlinked.**

2. Provide to the Tribunal a current Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is fully functioning and meets current regulatory standards and a current Gas Safety Certificate for the Property confirming that there are no issues with the back boiler, thermostatic controls and that all radiators are fully functioning..
3. Replace the plastic panel in the front door with appropriate security graded glass.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 6 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.

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 page are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 23 February 2023 in the presence of this witness :

Witness Signature

Name

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SARAH SCOTT