

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order **Ordered by the First-tier Tribunal for Scotland** **(Housing and Property Chamber)**

Case Reference FTS/HPC/RT/23/2477

7 Terregles Road, Dumfries, DG2 9HE being the subjects registered in the Land Register of Scotland under title number DMF20870 ('The Property')

Ryan and Rebecca Gamble, formerly 7 Terregles Road, Dumfries, DG2 9HE ('The former Tenants')

Mr Andrew MacDonald, Mrs Janice Agnes MacDonald, 29 Old Carlisle Road, Moffat, DG10 9QJ; 29 Old Carlisle Road, Moffat, DG10 9QJ ('The Landlords')

Dumfries & Galloway Council, Housing & Licensing Standards, Militia House, English Street, Dumfries, DG1 2HR ('the Third Party Applicant')

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

NOTICE TO

The said Mr Andrew MacDonald and Mrs Janice Agnes MacDonald

Whereas in terms of their decision dated 12 December 2023 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 and in particular the Landlord has failed to ensure that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order and the Property meets the tolerable standard.

The Tribunal now requires the Landlords to carry out such work as is necessary for the purposes 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.

In particular the Tribunal requires the Landlords to:

1. Repair or replace the cracked tiles at the front steps of the Property.
2. Repair or replace the damaged and loose concrete slabs on the front driveway/parking area.
3. Instruct a suitably qualified electrical contractor to inspect:

- 3.1 The power supply to an electrical socket beside the kitchen sink
- 3.2 The condition of the double electrical plug socket in the downstairs hall.
- 3.3 The condition of the electrical junction box under the hall carpet on the first floor.

to determine if they are in proper working order and if they are not in proper working order to repair them.

4. Exhibit a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT, or other suitable accredited registered scheme, who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category.

5. Install the carbon monoxide alarm in the proximity of the gas boiler (outside the boiler cupboard) in compliance with the regulations.

The Tribunal orders that these works must be carried out and completed by **29th February 2024**

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 and 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 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 subscribed at Glasgow on 12 December 2023 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Shannon Graham,