

Housing and Property Chamber First-tier Tribunal for Scotland



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

Variation of Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/23/3784

18 Brockly View, Kilbirnie, North Ayrshire, KA25 7HQ, being the subjects registered in the Land Register of Scotland under Title Number Ayr79254 (“the Property”)

The Parties:-

Allison Clark, 18 Brockly View, Kilbirnie, North Ayrshire, KA25 7HQ (“the Tenant”)

Alister Meek, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, North Ayrshire, KA22 8DG (“the Tenant’s Representative”)

Jackie Clyde, 56 Drumcroon Road, Garvagh, Coleraine, BT51 4ED (“the Landlord”)

Tribunal Members:

Mr Martin McAllister, Solicitor (Legal Member) and Mr Donald Wooley, Chartered Surveyor (Ordinary Member) (“the tribunal”)

NOTICE TO

Jackie Clyde

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having determined on 17 May 2024 that the repairing standard enforcement order (RSEO) relative to the Property dated 25 February 2024 should be varied, the said **RSEO is hereby varied** with effect from the date of service of this Notice and now reads as follows:

The Landlord is required to:

1. **Produce to the Tribunal a “satisfactory” current “Electrical Installation Condition Report” on the Property, prepared by a suitably qualified competent electrician, on the working order and condition of the installations in the house for the supply of electricity. The report should**

also address the state of repair and working order of any electrical fittings and appliances provided by the Respondent in the house (PAT test certificate). The provisions relating to competent electricians are contained in the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property. This information is available on the Housing and Property Chamber website at

https://www.housingandpropertychamber.scot/sites/default/files/hpc/SCOTTISH%20GOVERNMENT%20GUIDANCE%20ON%20ELECTRICAL%20INSTALLATIONS%20AND%20APPLIANCES%20IN%20PRIVATE%20RENTED%20PROPERTY%20-%20REVISED%20NOV%202016_0.pdf

2. Produce to the Tribunal a current Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register and which is in satisfactory terms.
3. Investigate and repair the roof to ensure it is wind and watertight.
4. Engage a suitably qualified central heating engineer to inspect the central heating system, including the boiler, radiators and associated plumbing to ensure that it is in a reasonable state of repair, that radiators are securely fixed to walls, that the system is fully functioning and thereafter to carry out any necessary repairs.
5. Investigate the source of water ingress to the internal part of the sink unit in the kitchen, carry out the necessary repairs and renew the rear panel of the sink base unit; complete all necessary work to ensure that there is a water tight seal between the sink unit and the wall panel above and to the rear of the sink.
6. Install a suitably located carbon monoxide detector, in the proximity of the gas boiler, to comply with current Scottish Government guidelines applicable to private rented residential properties.
7. Repair or renew the defective heat detector in the kitchen, ensuring that it is in satisfactory working order and interconnected with the existing smoke detectors.
8. Repair or renew the patio/French doors leading from the dining room to the rear garden to ensure that they lock securely and free from draughts and rain water penetration.

The Landlord is required to carry out the work required by the RSEO before 24 June 2024.

Subsection 25(3) of the Housing (Scotland) Act 2006 as amended does not apply in this case and the variation of the RSEO is in terms of Section 25 (1) (a) of the Act.

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 the 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 two preceding pages are executed by Martin Joseph McAllister, solicitor, legal member of the Tribunal, at Saltcoats on 19 May 2024 before Peter Ashby

M McAllister P Ashby