

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/RP/23/4392

Title No: FFE41294

Property: 16 Boswell Drive, Kinghorn, Fife KY3 9TW (“The Property”)

The Parties:- Miss Cristal Robinson, 16 Boswell Drive, Kinghorn, Fife KY3 9TW (“the Applicant”)

Dr Mahmoud Mughrabi, Long Craigs Terrace, Kinghorn, Fife KY3 9TA (“the Landlord”)

Tribunal Members:

Mark Thorley (Legal Member)
David Godfrey (Ordinary Member)

NOTICE TO: Dr Mahmoud Mughrabi, Long Craigs Terrace, Kinghorn, Fife KY3 9TA (“the Landlord”)

Whereas in terms of their decision of evendate 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 (“the Act”) and in particular that the Landlord has failed to ensure that -

- a) The house is wind and watertight and in all other respects reasonably fit for human habitation.
- b) The installations in the house for the supply of water, gas, electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order.
- c) Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order.
- d) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- e) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- f) The house meets the tolerable standard.

The Tribunal now requires the Landlord to carry out such works as are necessary for the purposes of ensuring that the property 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 –

1. To provide an up to date Electrical Installation Condition Report.
2. To ensure that smoke detectors are fitted throughout the property and are interlinked.
3. To instruct a suitably qualified contractor to make investigations and ensure that the heating/hot water system including the electric shower in the bathroom are in proper working condition.
4. To instruct a suitably qualified contractor to ensure that the electric wiring system including lighting and power circuits are in working order.
5. The work undertaken, together with a report from the relevant contractor requires to be evidenced to the Tribunal.
6. That all catches on all windows are adjusted to ensure that the windows are opening and shutting properly.
7. To make good the damage to the side panel of the bath and to the skirting adjacent to the bath.
8. To replace the missing spindle in the balustrade between the mid floor and the ground floor.
9. To replace the kitchen floor covering.
10. To ensure that the kitchen units fit with new catches where necessary.
11. To clean out the front and rear gutters to the property.
12. To fix the drainage to the rear of the property.

The Tribunal orders that the work specified in this order must be carried out and completed within a period of 28 days and that any redecoration required as a consequence of the work being undertaken are also completed from the date of the service of the notice and evidenced to the Tribunal.

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 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 (that includes any landlord's successors in title) also commits an offence if he or she enters into a tenancy or occupancy arrangements in relation to a house at any time being which a RSEO has effect in relation to the house. This is in terms of Section 29(5) of the Act.

M Thorley

Signed

Date

1st June 2016

S Evans

Witness..

Address.

