

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 (2)

Chamber Ref: FTS/HPC/RP/24/0642

16C Winton Street, Ardrossan, KA22 8JF, being the subjects registered in the Land Register of Scotland under Title Number Ayr42745 (“the Property”)

The Parties:-

Anna Burns, 16C Winton Street, Ardrossan, KA22 8JF (“the Applicant”)

Andrea Gibson, CHAP, Michael Lynch Centre, 71 Princes Street, Ardrossan, North Ayrshire, KA22 8DG (“the Applicant’s Representative”)

LHP Solutions, 2nd Floor, 48 West George Street, Glasgow, G2 1BP (“the Respondent”)

Tribunal Members:

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

NOTICE TO

LHP Solutions Ltd

Whereas in terms of its decision dated 20 June 2024, the First-tier Tribunal for Scotland (Housing and Property Chamber) (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 Tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The Tribunal makes a repairing standard enforcement order (“RSEO”) in the following terms:

The Landlord is required to:

- 1. 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.**
- 2. Investigate and remedy the dampness in the floorboards at left hand bedroom window**
- 3. Repair or renew the defective window in the left hand bedroom to ensure that it is in good and efficient working order and that there are no gaps between the window frame and the window sill.**
- 4. Ensure that the rainwater goods are clear of vegetation and allow water from the roof to drain away.**
- 5. Ensure that there is adequate ventilation in the kitchen which is safely accessible and able to be used.**
- 6. Ensure that the kitchen window is wind and watertight.**
- 7. Repair or renew the defective and missing banisters in the common stairway.**

The Landlord is required to carry out the work required by the RSEO before 15 August 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 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 typewritten on this and the two preceding pages are executed by M McAllister, legal member of the First-tier Tribunal for Scotland, at Saltcoats on 20 June 2024 before K Edmond

M McAllister K Edmond