

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Statement of Decision: Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/18/1411**

**Title no/Sasines Description: BER4559**

**Whitefoord, Cove, Cockburnspath, TD13 5XD  
("The House")**

**The Parties:-**

**Mrs Jane McAllister and Mr Glen McAllister, Whitefoord, Cove, Cockburnspath TD13 5XD ("the Tenants")**

**and**

**Mr Graeme Biggin, c/o FBR Ltd, Abbey Row, Kelso, Roxburghshire TD5 7JF ("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') having made such enquiries as it saw fit for determining whether the landlord has complied with the Repairing Standard Enforcement Order (RSEO) in relation to the property taking account of the attempted re-inspection of the property, determined that the landlord has not complied with the order.

### **Background**

1. By way of decision dated 22 October 2018 the Tribunal issued a determination that the landlord had failed to ensure that:-
  - (a) No carbon monoxide alarm has been fitted at the address.
  - (b) The boundary wall was excessively leaning and was dangerous.
  - (c) The ground floor bathroom had a slow onset of progression leading to gaps and a sway in one corner.
  - (d) The combi boiler is not working properly.
  - (e) The ceiling in the livingroom following upon a leak requires to be plastered and painted.
  
2. The landlord has failed to ensure that the house is:-
  - (a) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.

- (b) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
- (c) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

3. The Tribunal required the landlord:-

- (i) To install carbon monoxide alarms where appropriate in the property.
- (ii) To remove or demolish the boundary wall and either replace with another wall/fencing or left without.

4. The Tribunal ordered that the works specified in this Order must be carried out and completed within the period of 28 days from the date of service of the Notice.

5. On 17 April 2019 Mr Greg Adams the ordinary member and qualified surveyor attended at the house. Access to the property was not provided.

6. Intimation of the re-inspection was provided to the landlord by way of letter dated 3 April 2019. Subsequently an email was sent to the landlord on 23 May 2019. No response has been received.

7. The Tribunal determined that the Repairing Standard Enforcement Order has not been complied with. No material has been provided to the Tribunal disclosing any works undertaken.

8. Accordingly the Tribunal has determined that the landlord has not complied with the order.

**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.

**M Thorley**

Signed:

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Chairperson

Date:

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2 Apr 2019