

Housing and Property Chamber First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/RP/21/1253

Title no: MID30048

6 Pinebank, Livingston EH54 6EU (“the property”)

The Parties:-

**Damian Mrotek, 6 Pinebank, Livingston EH54 6EU and Justyna Hamberg, 6
Pinebank, Livingston EH54 6EU (“the applicants”)**

**Newport Asset Management Ltd, Firth Road, Houston Industrial Estate,
Livingston EH54 5DJ (“the respondent”)**

Whereas in terms of their decision dated 1 December 2021 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 Act”) and in particular that the Landlord has failed to ensure that:-

(i)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,

(ii)any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order, and

(iii)the house meets the tolerable standard.

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House 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 to:-

1. Instruct a suitably qualified “gas safe” registered central heating contractor to inspect the central heating and hot water system, including the boiler, radiators and all associated plumbing, in order to identify the extent of any

necessary remedial action required. Thereafter complete all repairs identified, ensuring that the system is free from leaks, is in a satisfactory state of repair, the radiators are correctly secured and the boiler is in proper working order. All areas affected as a result of the repairs should be redecorated as necessary.

2. Instruct a suitably qualified contractor to identify the source of the damp affecting the walls and flooring and complete all necessary repairs required to ensure that the property is in a wind and watertight condition. All areas affected as a result of the repairs should be replastered and/or redecorated as necessary.
3. Repair or replace the broken or missing handle at the kitchen window ensuring that it is in proper working order.
4. Repair, reinstate or renew the ill-fitting, defective or missing cupboard doors at the kitchen units.
5. Repair or replace the leaking waste disposal pipe below the kitchen sink unit ensuring that it is in proper working order.
6. Investigate the source of water/ponding at the base of the fridge and repair or replace the fridge unit as necessary, ensuring that it is in proper working order.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of ten weeks from the date of service of this Notice.

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 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 type written on this and the preceding pages are executed by Graham Harding, legal member of the Tribunal, at Perth on 1 December 2021 in the presence of the undernoted witness:-

J Harding

G Harding

_____ witness _____ Legal Member

JULIA HARDING name in full

46 ALMOND VIEW Address

PERTH

PH1100