

Housing and Property Chamber First-tier Tribunal for Scotland



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

REPAIRING STANDARD ENFORCEMENT ORDER Ordered by the Tribunal

RE: All and Whole the dwelling house known as 22 Hillfoot Road, Gartlea, Airdrie ML6 9PN registered in the Land Register under title no LAN152848

The Parties:

Sharelle Raybould and John Rafferty ("the Tenants")

Piotr Jablonski and Beata Jablonska, 10 Fir Grove, New Stevenston, Motherwell ML1 4DP ("the Landlord")

Reference number: FTS/HPC/RP/21/1590

NOTICE

WHEREAS in terms of its decision dated 18 November 2021 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 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in that:

"(a) the house is wind and water tight and in all other respects reasonably fit for human habitation...

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

...(h) 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 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 carry out works so that the interior of the House is rendered reasonably free of penetrating dampness.

2 To carry out repairs such that the kitchen walls and cupboards are complete, free of gaps or holes, cleanable and reasonably capable of preventing the entry of pests.

3 To repair or replace the kitchen units such that all cupboards and drawers are capable of being easily opened and closed and with all handles in reasonable condition.

4 to fill any gaps around the boiler into which items are reasonably at risk of falling.

5 to ensure that the wall panelling in the kitchen is adequately secured without the use of tape, making adequate provision for access to the central heating components and controls.

The Tribunal orders that the works specified in this Order must be carried out and completed within 80 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by John Miller McHugh, Chairperson of the Tribunal at Edinburgh on the Eighteenth day of November Two Thousand and Twenty One in the presence of the undernoted witness:

J McHugh

Chairperson
C Gee

Witness
CALUM GEE

Witness Address
65 LEAFMARKET TERRACE
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