

**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/19/2899

**29/2 Rannoch Place, Edinburgh, EH4 7HH (Title number MID92623) (“The
House”)**

The Parties:-

**Mrs Pauline Winafred Gillies, 1 Corstorphine House Terrace, Edinburgh, EH12
7AE, and 132 St John’s Road Edinburgh, EH12 8AX, formerly residing at 19
Gordon Road, Edinburgh
 (“the Landlord”)**

**Gilson Gray Lettings, Gilson Gray LLP, 29 Rutland Square, Edinburgh, EH1
2BW
 (“the Landlord’s Representative”)**

**Mr Pablo Cabrera Garcia, 29/2 Rannoch Place, Edinburgh, EH4 7HH
 (“the Tenant”)**

**NOTICE TO Mrs Pauline Winafred Gillies
(the LANDLORD)**

**WHEREAS in terms of its decision dated 9 March 2019 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 the
following respects:**

*“(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 and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;

(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;

(f) 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. (i) to engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and written report on the gas boiler, heating and hot water supply installation, including all flues, radiators, pipework, valves, thermostats, programmers, etc;
(ii) to follow the recommendations of that report to repair or replace the installations in the House for the supply of gas and for space heating and heating water to ensure that they are in a reasonable state of repair and in proper working order and that the House meets the tolerable standard and is in all other respects reasonably fit for human habitation; and
(iii) on completion of the works provide a copy of the written report to the Tenant and Tribunal, exhibiting that the installations in the House for the supply of gas and for space heating and hot water are in a reasonable state of repair and in proper working order, the House meets the tolerable standard and is in all other respects reasonably fit for human habitation.
2. To produce a valid CP12 Gas Safety Certificate which post-dates any such repair or replacement, carried out in terms of order 1.
3. To repair or replace the kitchen base units and doors so that they are in a reasonable state of repair and in proper working order, if necessary repairing or replacing worktops and sink top, including making good any tiles, décor etc which are damaged during the repair or replacement.

The tribunal orders that the works specified in this Order must be carried out and completed within six weeks from the date of service of this Notice.

Right of Appeal

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 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 an 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 two preceding page(s) are executed by Susanne L M Tanner, Queen’s Counsel, Legal Member and chair of the tribunal

Susanne Tanner

_____ Legal Member / Chair

signed on 9 March 2019 (date) at Glasgow

before this witness:-

Abigail Thomson _____ Witness

ABIGAIL THOMSON _____ name in full

GLASGOW TRIBUNALS CENTRE _____ Address

20 YORK STREET GLASGOW G2 8QT