

# Housing and Property Chamber First-tier Tribunal for Scotland

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**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/23/1477**

**Title no: ANG22942**

**18 Speckled Wood Court, Dundee DD4 0LY  
("The House")**

**The Parties:-**

**Miss Fay White, 18 Speckled Wood Court, Dundee DD4 0LY  
("the Tenant")**

**Fixrole Limited, 12 Milton Street, Dundee DD3 6QQ  
("the Landlord")**

Whereas in terms of their decision dated 22 August 2023 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 the House is:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) 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.
- (c) 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.

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. Provide a current Electrical Condition Installation Report ("EICR") dated after the date of this order from a SELECT, NICEIC OR NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is fully functioning and meets current regulatory standards and containing no category C1 or C2 items of disrepair. The EICR should include specific reference to the provision for smoke and heat detection in accordance with existing Scottish Government guidelines.
2. Undertake any C3 recommended repairs mentioned in the foregoing EICR.
3. Repair or replace the broken and missing window handles in the kitchen and living room of the house so that they are in proper working order.
4. Replace the broken glazing in the window in the bathroom.
5. Repair or replace the missing and broken door and drawer fronts on the kitchen cabinets so that they are in a reasonable state of repair and in proper working order.
6. Re-instate the cupboard door in the smallest room so that it is in a reasonable state of repair and in proper working order.
7. Replace all broken pendant light fittings in the house.
8. Provide a report by a suitably qualified building surveyor who is a member of the Royal Institution of Chartered Surveyors commenting on the causes of staining and mould in the house and the measures required to remedy the defects.

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

**A landlord or tenant 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 two preceding pages are executed by G Harding, legal member of the Tribunal, at Perth on 22 August 2023 in the presence of the undernoted witness:-