

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Reference Number: FTS/HPC/RT/23/0758

RE: Property at 23A Court Street, Dundee DD3 7QS

(hereinafter referred to as “the Property”).

Title Number: ANG50841 in the Land Register of Scotland

The Parties:-

Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA

(“the Third-party”)

And

Christopher Airlie, 8/9 Balfield House, Osprey View, Piperdam, Dundee DD2 5LZ

(“the Landlord”)

NOTICE TO

Christopher Airlie, 8/9 Balfield House, Osprey View, Piperdam, Dundee DD2 5LZ

(“the Landlord”)

Whereas in terms of their decision dated 11 July 2023, the First-tier 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 structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order, that the Landlord has failed to ensure that the installations in the Property 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 a proper working order, that the electrical supply complies with relevant requirements such that it is safe to use, that any fixtures, fittings and appliances provided by the Landlord under the

tenancy are in a reasonable state of repair and in proper working order, that there is satisfactory provision for ventilation, that the Property has satisfactory equipment installed for detecting and for giving warning of fire or suspected fire and that the Property is substantially free from rising or penetrating damp, and that the Property is wind and watertight and in all other respects fit for human habitation.

The First-tier Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard under section 13(1) of the Act and that any damage caused by carrying out of any work required under this Order is made good.

In particular, the First-tier Tribunal requires the Landlord:-

- 1) To instruct an Electrical Installation Condition Report on the Property by an appropriately qualified electrician being a member of NICEIC, SELECT or NAPIT. To carry out all works identified as either category C1 or C2 in the said Electrical Installation Condition Report in order to ensure that the Property's electrical installations are in a reasonable state of repair and in proper working order. The Electrical Installation Condition Report and all invoices for any work that may be required to be carried out (along with any further certification of same) to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.
- 2) To instruct and obtain a Gas Safety Certificate for the Property prepared by an appropriately qualified Gas Safe engineer in order to ensure that the Property's installations for the supply of gas are in a reasonable state of repair and in proper working order. A copy of the Gas Safety Certificate and all invoices for work that may be required to be carried out (along with further certification of same) to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.
- 3) To instruct a qualified chartered building surveyor to investigate the source of dampness and mould within the Property (including in the living room and the shower room) and to prepare a report recommending remedial works to eradicate the dampness and mould in order to ensure the Property meets the Repairing and Tolerable standards and to submit the report to the Tribunal for further consideration.
- 4) To install a Fire Detection system that meets current legislative requirements.
- 5) To repair or replace the collapsed ceiling within the living room for the Property to ensure it is in a reasonable state of repair.

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

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 of 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 a Repairing Standard Enforcement Order (RSEO) commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (including any successor in title) also commits an offence if he or she or they enter into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to a house. This is in terms of Section 28(5) of the Act.

IN WITNESS HEREOF, these presents typewritten on this page and the preceding page are executed by Rory A. B. Cowan, Legal Member of the First-tier Tribunal: Housing and Property Chamber at Glasgow on 3 July 2023 before this witness:

R Cowan

Date: 11 July 2019

Rory A. B. Cowan
G Matthew

Witness Date: 11 July 2019

Name of Witness

C/O 16 ROYAL EXCHANGE SQUARE

GLASGOW G1 3AG Address of Witness