

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/RT/23/1265

Title No: MID64269

35 Eskview Terrace, Musselburgh EH21 6LT ("The Property")

The Parties:-

**East Lothian Council, Housing Options Team, Brunton Hall, Ladywell Way,
Musselburgh EH21 6AF ("the third party applicant")**

**Miss Janice Monteith, residing at 35 Eskview Terrace, Musselburgh EH21 6LT
("the tenant")**

**Mr Craig Oliver and Mrs Rochelle Oliver, 34 Denholm Road, Musselburgh EH21
6TU ("the Landlords")**

**Tribunal Members: R. Mill (Legal Member) and M. Links (Ordinary
Member)**

NOTICE to MR CRAIG OLIVER and MRS ROCHELLE OLIVER, 34 Denholm Road, Musselburgh EH21 6TU ("the Landlords")

Whereas in terms of its decision of even date the tribunal determined that the landlords have failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlords have failed to ensure that:-

- the house is wind and watertight and in all other respects reasonably fit for human habitation.
- 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.
- the installations in the house for the supply of water, gas and electricity and for sanitation, space heating or heating water are in a reasonable state of repair and in proper working order.

- any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
- any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.
- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- the house does not meet the tolerable standard.

The tribunal now requires the landlords to carry out such works as are necessary for the purposes of ensuring that the property 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 now requires the landlord:-

1. to produce a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no Category C1 or C2 items of disrepair.
2. To produce a Gas Safety Certificate from a registered Gas Safe engineer, for the property which refers to the provision for carbon monoxide detection and details the condition of the gas boiler and central heating radiators, confirming that the radiators are effective at heating the property.
3. to install provision for smoke and heat detection in accordance with Scottish Government guidance.
4. To repair or replace the electric focal point fire in the living room.
5. To replace the integrated fridge freezer in the kitchen.
6. To instruct a suitably qualified tradesman to replace the door handles and latch on the inner hallway door and rear bedroom and attend to any joinery work as a consequence.
7. To instruct a suitably qualified tradesman to repair and replace, as required, the cracked, broken and loose floor tiles in both the kitchen and bathroom.
8. To instruct a report from a suitably qualified roofing contractor to survey the whole roof, including the slates, chimney head to the gable end of the property, gutterings, downpipes, other rainwater fixtures and fittings and the render to the chimney head and thereafter instruct the

necessary works recommended to ensure that the property is wind and watertight.

9. To instruct a report from a suitable specialist on the damp, mould and water ingress noted throughout the property and thereafter instruct the necessary works recommended to ensure that all damp is treated, eradicated and prevented in the future.
10. To instruct a suitably qualified tradesman to treat and remove all mould within the property.

The tribunal orders that the works specified in this Order must be carried out and completed within a period of 6 weeks, with the specified reports to be produced to the tribunal for consideration, and that any redecoration required, as a consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the tribunal.

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.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by R. Mill, solicitor,
legal member of the Tribunal at Edinburgh on 31 July 2023 before this witness:-