

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**

Reference number: FTS/HPC/RT/22/2723

**Re: Property at 36 Patrickbank Wynd, Elderslie, Johnstone, Renfrewshire, PA5
9US ("the Property")**

Title Number: REN118767

The Parties:

**Renfrewshire Council, Communities and Housing Department, Renfrewshire
House, Cotton Street, Paisley, PA1 1HD ("The applicant")**

**Mr Christopher Francis Davies and Sharon Davies, residing together at 134
Sutton Avenue, Newcastle, Silverdale, ST5 6TB ("the Landlords")**

Interested Party:

**Lisa Lochrie, residing at 36 Patrickbank Wynd, Elderslie, Johnstone,
Renfrewshire, PA5 9US ("the Tenant")**

Tribunal Members:

Paul Doyle (Legal Member)

Lori Charles (Surveyor Member)

Whereas in terms of their decision dated 18 January 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:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation in terms of Section 13(1)(a) of the 2006 Act;
- (b) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order in terms of Section 13(1)(d) of the 2006 Act; and

- (c) The property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire, in terms of Section 13(1)(f) of the 2006 Act; and
- (d) The property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health, in terms of Section 13(1)(g) of the 2006 Act; and
- (e) The house meets the tolerable standard, in terms of Section 13(1)(h) of the 2006 Act.

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

(a) Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation in the property and all electrical appliances and equipment supplied by the landlord and carry out all necessary remedial works to rectify any identified C1 and C2 categorised areas. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a clear EICR and PAT (dated after 27 October 2022) prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

(b) Instruct a suitably qualified Gas Safe registered engineer to repair or replace the gas central heating boiler. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a satisfactory Gas Safety Record from a suitably qualified and Gas Safe registered heating engineer on the safety of the gas central heating system and all other gas appliances in the property.

(c) Ensure that interlinked smoke and heat detectors, and carbon monoxide detectors are installed within the property, ensuring that they are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(d) repair or replace the missing kitchen cupboard doors

(e) Replace the glass pane in the front door

(f) Repair or replace the bathroom window

(g) Repair or replace the toilet in the ground floor WC

The tribunal orders that the works specified in this Order must be carried out and completed within the period of 28 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 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 preceding page are executed by Paul Doyle, solicitor, legal member of the tribunal at Edinburgh on 26 January 2023 before Joseph Doyle,

P Doyle