

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Reference number: FTS/HPC/RT/20/0330

**Mr Tasleem Arshad otherwise Mohammed Tasleem Arshad , residing at Bank House,
22 Station Road, Lochgelly, Fife, KY5 9QW (“the Landlord”)**

Tribunal Members

Karen Moore (Chairperson)

David Godfrey (Ordinary Member)

**Property at 70, Lochleven Road, Lochore, Lochgelly, Fife, KY5 8DA being the subjects
registered in the Land Register for Scotland under Title Number FFE63837 (“the
Property”)**

Notice to Landlord

**Mr Tasleem Arshad otherwise Mohammed Tasleem Arshad , residing at Bank House,
22 Station Road, Lochgelly, Fife, KY5 9QW**

Whereas in terms of its decision dated 2 March 2021, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and, in particular, that the Landlords have failed to comply in respect of Sections 13 (1) (a), 13 (1) (b), 13(1) (c), 13(1) (e) 13(1) (f) 13(1) (g) and 13(1) (h) of the Act, the First-tier Tribunal now requires the Landlords to carry out the following works or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before **Wednesday 7 April 2021**:-

1. Instruct an approved gas engineer to (i) to carry out a full inspection of the gas systems and appliances throughout the Property, the purpose of which inspection is to ensure that the gas systems and appliances in the Property are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be renewed, replaced or repaired to ensure gas systems and appliances are fully functioning and meet current regulatory standards and (iii) thereafter to issue a complete and compliant Gas Safety Certificate in accordance with the Scottish Government

statutory guidance on gas installations and appliances in private rented property and exhibit the Gas Safety Certificate to the Tribunal;

2. Instruct a SELECT, NAPIT or NICEIC electrician (i) to carry out a full inspection of the electrical installation throughout the Property, the purpose of which inspection is to ensure that the electrical installation in the Property and the Landlord's appliances therein are safe and fit for purpose (ii) to repair, replace or renew any parts which require to be renewed, replaced or repaired to ensure the installation is fully functioning and meets current regulatory standards and (iii) thereafter to issue a complete and compliant electrical installation condition report ("EICR") and/or an Electrical Installation Certificate in accordance with the Scottish Government statutory guidance on electrical installations and appliances in private rented property and exhibit the EICR to the Tribunal. This should include testing and certification of all electrical appliances provided by the Landlord.
3. Provide photographic or documentary evidence to the Tribunal that interlinked mains-powered smoke alarms or tamper proof long-life lithium battery alarms are installed in (i) the room which is frequently used by the occupants for general daytime living purposes and (ii) every circulation space such as hallways or landings;
4. Provide photographic or documentary evidence to the Tribunal that a heat alarm is installed in the kitchen;
5. Provide photographic or documentary evidence to the Tribunal that a carbon monoxide detector is installed where there is a fixed carbon-fuelled appliance (excluding an appliance used solely for cooking);
6. Provide photographic or documentary evidence to the Tribunal that the gas central heating timer is in good working order;
7. Provide photographic or documentary evidence to the Tribunal that the air vent in the living room has been repaired or renewed;
8. Provide photographic or documentary evidence to the Tribunal that the cracks in the ceilings and walls throughout the Property have been repaired;
9. Provide photographic or documentary evidence to the Tribunal that the hole in the bathroom wall behind the bath panel has been repaired;
10. Provide photographic or documentary evidence to the Tribunal that the windows throughout the Property are fully operable and in good repair;
11. Provide photographic or documentary evidence to the Tribunal that the toilet is fully operable and in good repair;
12. Provide photographic or documentary evidence to the Tribunal that the bath panel has been repaired or renewed;

13. Provide photographic or documentary evidence to the Tribunal that the shower cubicle door has been replaced and is fully operable and in good repair;
14. Provide photographic or documentary evidence to the Tribunal that the kitchen radiator has been repaired or renewed;
15. Provide photographic or documentary evidence to the Tribunal that the down pipe has been replaced and
16. Make good all décor damaged as a result of these works.

Note to Landlord :-

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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, also commits an offence if he or she enters into a tenancy or occupancy agreement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents typewritten on this and the two previous pages are subscribed by me, Karen Moore, solicitor, Glasgow at Glasgow on 2 March 2021 before this witness, Norman William Moore, solicitor, Muirfield Business Centre, 1A, Muirfield Road, Cumbernauld, G67 1AX

N W Moore

K Moore

Witness