

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/RP/19/3640

Title No: GLA72459

Re: Property at 210 Curtis Avenue, Glasgow, G44 4NR (“the Property”)

The Parties:

**Mr Muhammad Baig, 33 Nethervale Avenue, Glasgow, G44 3XP (“the
Landlord”)**

Tribunal Members:

Graham Harding- Legal Member

Lori Charles- Ordinary Member

Whereas in terms of their decision dated 12 November 2021, 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:-

- (a) Structure of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; and
- (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.

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:-

- (a) Repair the left frond end cap of the gutter at the property to stop it from leaking.

- (b) Replace the kitchen window with a new double-glazed unit fitted with a trickle vent or alternatively fit a trickle vent into the existing window.
- (c) Replace the existing bathroom window with a new double-glazed window fitted with a trickle vent and capable of opening to provide adequate ventilation or alternatively to provide an electrically operated mechanical ventilator.

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

A landlord, tenant or third party applicant 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 preceding page are executed by Graham Harding, legal member of the Tribunal, at Perth on 12 November 2021 in the presence of the undernoted witness:-

G Harding

Legal Member

Julie N. Harding witness

JULIA HARDING name in full

46 ALMOND VIEW Address

PERTH
