

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Ref: FTS/HPC/RP/20/1225

Re: Property at 53, Lenzie Way, Glasgow G21 3TB ("the Property") registered in the Land Register for Scotland under title sheet number GLA114402

The Parties:

Artin Properties having a place of business at 77, Seres Road, Glasgow, G76 7PG ("the Landlord")

Tribunal Members:

Karen Moore (Legal Member) and Nick Allan (Ordinary Surveyor Member)

Notice to Landlord

Artin Properties having a place of business at 77, Seres Road, Glasgow, G76 7PG

Whereas in terms of its decision dated 19 November 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 Landlord has failed to comply in respect of Sections 13(1)(a), 13(1) (c), 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 31 December 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

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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. Install 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. Install a heat alarm in the kitchen;
 5. Install a carbon monoxide detector where there is a fixed carbon-fuelled appliance (excluding an appliance used solely for cooking);
 6. Repair the leak under the kitchen sink which is causing damp and mould and ensure that the damp and mould have been eradicated;
 7. Repair or replace the kitchen sink cupboard and flooring;
 8. Repair the leak in the kitchen ceiling;
 9. Repair or replace the waste water pipe to ensure that it does not leak;
- and
10. 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 printed on this and the two preceding pages are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 19 November 2021 before this witness Norman William Moore, solicitor of 1A, South Muirhead Road, Cumbernauld G67 1AX

 Witness

K Moore