

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/19/2579

Title no : STG 58791

345 Glasgow Road, Longcroft, FK4 1QR (“the property”)

The Parties:

**Falkirk Council, Suite 1, The Forum, Callendar Business Park, Falkirk, FK1 1XR
 (“the Third Party”)**

**Tracey Sweeney, 345 Glasgow Road, Longcroft, FK4 1QR (“ the former
Tenant”)**

**Stuart Buchanan, 8 Hillhead Avenue, Banknock, Falkirk, FK4 1JN (“the
Landlord”)**

Whereas in terms of their decision dated 14 November 2019, 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,
- (b) 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,
- (c) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,
- (d) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire, and

(e)The house meets the tolerable standard.

the Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the property 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: -

1. To instruct a suitably qualified window contractor to investigate the faulty patio doors and repair or replace the locking mechanism so that the doors can be easily opened and locked.
2. To repair or replace the defective ignition pilot light on the cooker.
3. To repair the side door of the property so that it is wind and watertight, or to replace the door.
4. To instruct a suitably qualified roofing contractor to investigate the leak at the dormer window and carry out any recommended remedial work, and to repair or replace all loose and missing slates, the leaking gutter and the render on the chimney.
5. To replace the defective front door with a new front door.
6. To replace the defective light fitting in the downstairs bedroom.
7. To repair the seal round the front window.
8. To instruct a suitably qualified plumber to investigate the possible leak from the shower and carry out any recommended repairs to fix the leak.
9. After completion of 8, to instruct a suitably qualified contractor to repair the water damaged floors, floor coverings and walls in the bathroom, fitted wardrobes and hall outside the bathroom.
10. To install new hard-wired interlinked smoke and heat detectors in the property to comply with current regulations and guidance. and
11. To either a) instruct a suitably qualified SELECT, NAPIT or NICEIC registered electrician to carry out a certified electrical inspection and testing of the entire electrical installation of the property after the installation of the new smoke and heat detectors and exhibit a satisfactory EICR to the Tribunal or b) provide the Tribunal with a fully completed version of the existing EICR dated 21 September 2019 and a minor works certificate following the installation of the smoke and heat detectors.
12. Re-instate a suitable gate to the front of the property.

The Tribunal order that the works specified in this Order must be carried out and completed within the period eight months 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 pages are executed by Josephine Bonnar, legal member of the Tribunal, at Motherwell on 14 November 2019 in the presence of the undernoted witness: -

Gerard Bonnar

Josephine Bonnar

____ _ witness

Legal Member

Gerard Bonnar
1 Carlton Place, Glasgow