

Housing and Property Chamber First-tier Tribunal for Scotland



Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/RT/21/1900

31 Dunholm Terrace, Dundee, DD2 4NU being the property described in the Feu Disposition by City of Dundee District Council in favour of Patricia Anderson registered GRS (Angus) 27th April 1984 (“the Property”)

The Parties:-

Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee, DD1 3BA (‘The Third Party’)

Patricia Anderson residing at Alamein Cottage, Montreathmont, Forfar, DD8 2TU (“The Landlord”)

Nicola McCready residing at 31 Dunholm Terrace, Dundee, DD2 4NU (‘the Tenant’)

Tribunal Members:

Jacqui Taylor (Chairman) and Andrew Murray (Ordinary Member)

NOTICE TO The said Patricia Anderson

Whereas in terms of their decision dated 15th March 2022 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 and in particular the Landlord has failed to ensure that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order and the fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and proper working order

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 to:

1. Carry out such repairs as are necessary to render the electrical installation in a reasonable state of repair and exhibit a valid and compliant EICR Certificate.
2. Repair the central heating system to render it in proper working order including repairing the leak from the hall radiator, replacing the thermostatic control head missing from the hall radiator, repairing the defective radiator in the bedroom and repairing the leak to the front bedroom radiator.
3. Repair or replace the electrical sockets in the living room to render them in proper working order.
4. Repair the kitchen door leading into the hall to render it in proper working order.
5. Repair or replace the kitchen tiles to render them in a reasonable state of repair.
6. Repair or replace the downlights in the kitchen to render them in a reasonable state of repair and proper working order.
7. Replace the fitted extension lead in the kitchen with a permanent wired socket.
8. Repair the kitchen ceiling to remove the water stain mark.
9. Repair or replace the upper hall electrical socket to render it in proper working order.
10. Repair or replace the on/off switch to the shower works to render it in proper working order.
11. RegROUT the tiles in the shower area to render them in a reasonable state of repair.
12. Repair or replace the sealant around the shower basin to render it in a reasonable state of repair.
13. Replace the damaged tiles in the bathroom.
14. Replace the electrical socket located beside the door of the rear bedroom to render it in proper working order.
15. Repair the front bedroom radiator to render it in proper working order.
16. Repair the steps from the patio to ground level to render them safe.
17. Repair the external lights above the kitchen door to render them in proper working order.
18. Repair the Sky satellite to render it in proper working order.
19. Repair the external paths at the side and front of the house to render them safe.
20. Repair the boundary fence between the neighbouring property to render it secure and in proper working order.
21. Repair the steps leading from the front gate to the house to render them safe.

The Tribunal orders that these works must be carried out and completed by 30th June 2022.

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.

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 and landlord's successor in title) 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 RSEO has effect in relation to the house.

This is in terms of section 28(5) of the Act: IN WITNESS WHEREOF these presents typewritten on this and the preceding page are subscribed at Irvine on 15th March 2022 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Sharon Harvey, 65 High Street, Irvine.

Signed..... **J Taylor**

Chairperson

Sharon Harveywitness