

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/21/2589

Title no: GLA30940

Flat 2/2, 26 Holyrood Crescent, Glasgow G20 6HL ("The Property")

The Parties:-

Glasgow City Council, Private Sector Housing, Exchange House, 231 George Street, Glasgow G1 1RX ("the Third Party Applicant")

Ms Donna McNoughton, residing at Flat 2/2, 26 Holyrood Crescent, Glasgow G20 6HL ("the Tenant")

K A Javid & Company Accountants Limited, trading and having its registered office at 115 Bath Street, Glasgow G2 2SZ ("the Landlord")

Tribunal Members: Richard Mill (Legal Member) and David Godfrey (Ordinary Member)

NOTICE to K A JAVID & COMPANY ACCOUNTANTS LIMITED, trading and having its registered office at 115 Bath Street, Glasgow G2 2SZ ("the Landlord")

Whereas in terms of their decision of even date the Tribunal determined that the landlord has failed to comply with the duty imposed by section 14(1) of the Housing (Scotland) Act 2006 ("The Act"), and in particular that the landlord has failed to ensure that:-

- the house is wind and watertight and in all other respects reasonably fit for human habitation.
- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health

The Tribunal now requires the landlord to carry out such works as are necessary for the purposes of ensuring that the property 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:-

1. To provide a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no category C1 or C2 items of disrepair, which also refers to the provision for smoke and heat detection in accordance with Scottish Government guidance.
2. To provide a Gas Safety Certificate from a registered Gas Safe engineer for the property which refers to the gas boiler and any other gas appliances, to also include reference to the provision for carbon monoxide detection.
3. To instruct a suitably qualified specialist to survey the property in respect of the presentation of water ingress and damp throughout and to thereafter carry out the recommended works to remedy same, including all reinstatement and redecoration. Said report should be produced to the Tribunal.
4. To instruct a suitably qualified tradesman to survey the windows in the property and to repair or replace same to ensure that they are wind and watertight and can be opened and closed.
5. To repair, upgrade or replace the central heating system in order to provide adequate space heating throughout the property.
6. To replace all damaged plasterwork throughout the property, to both ceilings (including cornicing) and walls.
7. To repair or replace all loose and hazardous floorboards.
8. To overhaul the internal staircase, to include the repair or replacement of the treads and risers together with the installation of a handrail.
9. To install a kitchen in the property to the 'tolerable standard' (to include the installation of a sink, facilities for cooking, adequate work surfaces and storage space).
10. To upgrade the WC on the upper level to the 'tolerable standard', to include the provision of adequate ventilation.
11. To install carpets, or other suitable flooring, throughout the property in order to make it habitable.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of 16 weeks and that any redecoration required, as a

consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the Tribunal.

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.

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. The landlord cannot re-let the property when the RSEO remains in force.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 3 March 2022 before this witness:-

R Mill