

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/RP/20/1913

30 Quality Street, Edinburgh EH4 5BS (“the Property”)

The Parties:-

**Mr Michael Hughes, 30 Quality Street, Edinburgh EH4 5BS
 (“the Applicant and Tenant”)**

**Ms Victoria Cullen, C/O H Weston, Mavisbank Walled Garden, Polton Lasswade,
Midlothian EH18 1HY
 (“the Respondent and Landlord”)**

Tribunal Members:

**Gabrielle Miller (Chair and legal member)
Andrew McFarlane (Surveyor and Ordinary member)**

Whereas in terms of their decision dated 12th October 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: -

- a) that the House is wind and water tight and in all other respects reasonably fit for human habitation;
- b) that the structure and exterior of the House (including drains, gutters and external pipes) are in reasonable state of repair and in proper working order;
- c) that the installations in the House for the supply of the water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order; and
- d) that 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) To replace the existing rubber sealing strip along the bottom of the shower screen with a rubber seal which extends the full length of the screen to restore to a reasonable state of repair and leave in proper working order;
- b) To investigate the source of dampness detected on the ceiling to the bay window in the Drawing Room. Repair, replace or renew as required to eliminate ingress and leave in a wind and watertight condition. Following drying out re-decorate ceiling;
- c) To repair or replace 3 cracked floor tiles in the Kitchen adjacent to the entrance door from the hallway to leave reasonably fit for human habitation;
- d) To arrange for a suitably qualified engineer to inspect the central heating boiler and the heating system. Then to provide a copy of the report to the Tribunal for its approval. Once approved by the Tribunal, implement any recommendations made in the report in order to ensure that the boiler and the heating system are in a reasonable state of repair and proper working order;
- e) To overhaul the front entrance door to patch repair missing areas of timber and properly fill the gaps between and around the timbers. Then to apply a paint coating internally and externally to protect the repairs and leave in a wind and watertight condition;
- f) To patch repair, replace or renew the surfacing to the 8th and the 13th steps from bottom of steps leading to the front door to restore to the original profile and leave in a reasonable state of repair; and
- g) To remove the temporary steps to the outhouse entrance doors and replace with a more permanent stable set of steps.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of 3 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 Gabrielle Miller, Chair and Legal Member of the Tribunal at Glasgow on 12th October 2021 in the presence of the undernoted witness: -

[Signature] witness

G Miller chairperson

GARY COSICK name in full

GLASGOW TRIBUNALS CENTRE Address

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