

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/21/3237

Flat 2/1, 149 Onslow Drive, Glasgow, G31 2QA being the subjects registered in the Land Register of Scotland under Title number GLA71713 (“the Property”)

The Parties:-

Ms Dorothea Hinrichs, residing at Flat 1/2, 32 Craigie Street, Glasgow, G42 8NQ (“The Former Tenant”)

Mr Nacerdine Tcheir residing at Flat 1/2, 295 Golfhill Drive, Glasgow, G31 2NZ (“The Landlord”)

Tribunal Members:

Jacqui Taylor (Chairman) and Kingsley Bruce (Ordinary Member)

NOTICE TO Nacerdine Tcheir

Whereas in terms of their decision dated 19th May 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 Property complies with the Tolerable Standard and has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

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. Install:

- 1.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.
- 1.2 One functioning smoke alarm in every circulation space, such as hallways and landings.
- 1.3 One heat alarm in every kitchen and
- 1.4 All alarms should be interlinked and the installation should comply with the regulations.

The Tribunal orders that these works must be carried out and completed by 9th July 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 a 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 Glasgow on 23rd May 2022 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Mark Taylor, Newmains Avenue, Inchinnan, Renfrew, PA4 9RR

Signed..... 

Chairperson  witness