

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/19/1600

Title no: ANG84215

50 Ravenraig Road, Dundee DD2 4ND ("The House")

The Parties:-

- Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA represented by their agent (Mr Stuart Cuthill) ("the Third Party Applicant")
- Ms Alishya Sangster, 31 Quarryknowe, Dundee, DD2 2QL7 (previously Taylor Street, Dundee DD2 3DU) ('the Landlord')

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr Mark Andrew - Ordinary Member (Surveyor)

Whereas in terms of their decision dated 9th December 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: -

- 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 repair or replace and make good the front door to ensure that it is wind proof and does not have any signs of rot;
- (b) To replace and make good the living room window to ensure that it is wind proof;
- (c) To repair or replace and make good the living room door to ensure that the latch is working;
- (d) To repair and make good the kitchen tap to ensure that hot running water can flow freely from it;
- (e) To repair or replace and make good the rear bedroom window to ensure that the window is wind proof and can be opened and closed properly;
- (f) To repair or replace the rear bedroom door furniture to ensure that the door handles and latch are able to be function correctly;
- (g) To replace the front bedroom window to ensure that it is wind and watertight and can be opened and closed correctly;
- (h) To repair or replace the front bedroom attic door furniture to ensure that the door handles and latch are able to function correctly;
- (i) To fully investigate and then repair the damp within the stairs to the attic;
- (j) To redecorate/ varnish the Velux skylight in the attic to ensure it remains in proper working order.
- (k) To repair and reinstate or remove the coping stones on the decorative wall in the garden to ensure that they are safe; and
- (l) To reinstate the coping stones on the boundary wall to the right of the garden to ensure that the coping stones are safe.

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, solicitor, chairperson of the Tribunal at Dundee on 9th December 2019 in the presence of the undernoted witness: -

G Miller

witness

chairperson

Jamie Burns name in full

Address
