

Housing and Property Chamber
First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Repairing Standard Enforcement Order: Housing (Scotland) Act 2006 Section 24 (2)

Reference number: FTS/HPC/RP/22/1834

Property : 54 MacDonald Terrace, Lochgilphead PA31 8TE ("Property")

Parties:

Kevin Agnew and Shiree Agnew, formerly residing at 54 MacDonald Terrace, Lochgilphead PA31 8TE ("Tenant")

Mrs Lyndsay Martin, 7 Dun Mor Avenue, Lochgilphead PA31 8TP ("Landlord")

Complete Clarity Solicitors, 34 Woodlands Road, Glasgow G3 6UR ("Landlord's Representative")

Tribunal Members :

Joan Devine (Legal Member); Mike Links (Ordinary Member)

NOTICE TO: Mrs Lyndsay Martin ("the Landlord")

Whereas in terms of its decision dated 14 October 2022, the Tribunal determined that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Housing (Scotland) Act 2006, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in that the installations in the Property for the supply of 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.

The Tribunal now requires the Landlord to carry out such works as are necessary for the purpose 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 before the date specified in this order.

In particular the Tribunal requires the Landlord to :

- 1. Appoint a SELECT, NICEIC OR NAPIT registered electrician to carry out a full inspection of the electrical installation and apparatus throughout the Property and thereafter provide an Electrical Condition Installation Report (EICR) confirming the installations and apparatus are fully functioning and meet current regulatory standards and containing no C1 or C2 items.**

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 28 days 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 page are executed by Joan Devine, Legal Member of the Tribunal at Glasgow on 17 October 2022 in the presence of this witness: