

# 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/21/0126**

**Sasines Description: Ground comprising 42 Dykehead Place, Dundee, part of 5.493 acres [bounded by Ogilvie Street] referred to in Disposition to Scottish Special Housing Association, recorded 20 December 1977 and being the subjects contained in Feu Disposition by Scottish Homes to Ghulam Qadar and Zahida Qadar recorded GRS Angus 23 April 1998**

**42 Dykehead Place, Dundee DD4 6TL (“the property”)**

**The Parties:-**

**Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA (“the Third Party Applicant”)**

**Ms Alison Williamson, 42 Dykehead Place, Dundee DD4 6TL (“the Tenant”)**

**Mr Ghulam Qadar and Ms Zahida Qadar 367 Clepington Road, Dundee DD3 8ED (“the Landlord”)**

**Tribunal Members:**

**Graham Harding (Legal Member)  
Robert Buchan (Ordinary Member)**

Whereas in terms of their decision dated 28 July 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 that:-

- (a) The installations in the house for the supply of water, gas and electricity and for sanitation and space heating are in a reasonable state of repair and in proper working order;
- (b) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order; and

- (c) 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 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 the kitchen cupboard doors and underboards to ensure that the doors all open and close properly.
- (b) To obtain a report from a reputable firm of timber specialists in respect of damp/water ingress in the kitchen and provide the Tribunal with a copy of said report and details of any work carried out subsequent to the report, which work must satisfactorily remove the dampness, repair any damage to the floor and replace the floor below the boiler.
- (c) To provide the Tribunal with an Electrical Installation Condition Report prepared by a member of SELECT, NICEIC or NAPPIT and dated after the date of this order. The report must include reference to the provision and operation of the smoke, heat and carbon monoxide detectors, and to the safety of the power points below the sink and behind the washing machine
- (d) To provide the Tenant with a replacement shower screen or curtain in the bathroom of the property.

The Tribunal order that the works specified in this Order must be carried out and completed within the period two 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 Graham Harding, legal member of the Tribunal, at Perth on 28 July 2021 in the presence of the undernoted witness:-

J N Harding

G Harding

\_\_\_\_\_ witness

\_\_\_\_\_ Legal Member

JULIA NICOLE HARDING name in full

46 ALMOND VIEW Address

PERTH

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