

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/23/3455

Re: Property at 26 Rosewood Avenue, Bellshill ML4 1NR (registered under title number LAN11008) ("Property")

The Parties:

Kirsteen Maitland, 26 Rosewood Avenue, Bellshill ML4 1NR ("Tenant")

Coatbridge CAB, Unit 10 Fountain business Centre, Ellis Street, Coatbridge ML5 3AA ("Tenant's Representative")

Mohsin Haq, 1 Marquis Gate, Glasgow G71 7HY ("Landlord")

Tribunal Members :

Joan Devine (Legal Member); Nick Allan (Ordinary Member)

NOTICE TO: Mohsin Haq ("the Landlord")

Whereas in terms of its decision dated 12 February 2024, 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 Property does not meet the tolerable standard.

The Tribunal now requires the Landlord to carry out such work 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 suitably qualified contractor to replace the skylight window in the bathroom and ensure that the bathroom is wind and watertight.**
- 2. Appoint a suitably qualified contractor to install a ventilation system in the bathroom.**

3. Remove the mould in the bathroom and redecorate throughout.
4. Repair or replace the front door in order that the deadlock locking mechanism is functioning properly and the door can be opened and closed as well as to ensure there is draft exclusion provision in the letterbox.
5. Repair or replace the locking mechanism on the back door to ensure the door can be opened and closed.
6. Remove the redundant and broken light fitting in the ground floor hall under the stairs.
7. Replace the light switch in the ground floor hall beside the front door with a modern unit that meets current Scottish Government guidelines.
8. Carry out necessary works to cover over and make safe the exposed wiring in the kitchen behind the microwave.
9. Secure the socket under the sink in the kitchen to a wall surface in accordance with current Scottish Government guidelines.
10. Investigate and make safe the socket on the left hand wall in the kitchen which has a rogue wire protruding.
11. Remove all exposed wires in the kitchen ceiling and make safe. Cover over the holes in the kitchen ceiling, make good and decorate the ceiling.
12. Replace the plastic panel in the kitchen door with appropriate safety glass.
13. Replace the roof structure, roof covering and fascias together with the door of the garage. Remove bossed roughcast, and re-render. Re-render exposed brickwork and weather-proof complete garage.
14. Provide a copy of a current Electrical Installation Condition Report ("EICR") from a SELECT, NICEIC OR NAPIT accredited electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is satisfactory, fully functioning, meets current regulatory standards and containing no category C1 or C2 items of disrepair.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of 10 weeks 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 12 February 2024 in the presence of this witness :

...J.Scott.....
Witness

.....J.Devine.....
Legal Member