

Housing and Property Chamber First-tier Tribunal for Scotland



REPAIRING STANDARD ENFORCEMENT ORDER

In respect of an application in terms of Section 22(1) of the Housing (Scotland) Act 2006 (“the Act”)

Parties : Ms Helen Williams residing at 21 Rosebank Drive, Viewpark, Uddingston G71 5DX (“the Tenant”) and

Mr. James Wilson residing at 132, Swinton Road, Baillieston, Glasgow G69 6OW (“the Landlord”)

Property: registered in the Land Register for Scotland under Title Number LAN15751 (“the Property”)

Chamber reference: FTS/HPC/RP/17/0228

Tribunal Members

Karen Moore (Legal Member and Chairperson)

Lorraine Charles (Ordinary Member)

NOTICE TO THE LANDLORD

Mr. James Wilson residing at 132, Swinton Road, Baillieston, Glasgow G69 6OW

Whereas in terms of their decision dated 29 December 2017, the First-tier Tribunal for Scotland determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlord has failed to comply in respect of Section 13(1)(b), Section 13(1)(c), Section 13(1)(f) and Section 13(1) (g) of the Act and failed to ensure that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order, that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair, that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and that the Property has satisfactory provision for giving warning that carbon monoxide is present in a concentration that is hazardous to health, the First-tier Tribunal now requires the Landlord to carry out the following works or other such

works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.

The Landlord must on or before **15 February 2018**:-

1. Repair or renew the broken living room window to ensure that the window is fully functioning and complies with current regulations;
2. Repair or replace the showerhead to ensure a watertight seal;
3. Replace the sealant at the bath and the bathroom window to eradicate mould;
4. Repair or replace the toilet bowl to ensure that there is no water leakage and, thereafter, repair or replace the wooden panel underneath the bathroom wash hand basin and at the base of the toilet bowl,
5. Provide and install sufficient hard wired and interlinked smoke, heat and fire detectors to comply with current regulations as defined in the current statutory guidance detailed in Domestic Technical Handbook prepared by the Scottish Government and available on the Scottish Government's website at: <https://beta.gov.scot/publications/building-standards-technical-handbook-2017-domestic/>
6. Provide and install sufficient carbon monoxide detectors to comply with current Scottish Government guidance and available on the Scottish Government's website at <https://beta.gov.scot/publications/carbon-monoxide-alarms-in-private-rented-properties-guidance/> and
7. Make good any décor damaged as a result of these works.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

Further, in terms of Section 28(1) of the Housing (Scotland) Act 2006, a landlord who, without reasonable excuse, fails to comply with a Repairing Standard

Enforcement Order commits an offence liable on summary conviction to a fine not exceeding Level 3 of the standard scale, and in terms of Section 28(5) of that Act, 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 Repairing Standard Enforcement Order has effect in relation to the house.

In Witness Whereof these presents printed on this and the two preceding pages are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 29 December 2017 before this witness, Norman William Moore, solicitor, 11 Muirfield Court, Cumbernauld G67 1AA.

W Moore

Witness

K Moore