

Housing and Property Chamber

First-tier Tribunal for Scotland



**STATEMENT OF DECISION OF THE FIRST-TIER TRIBUNAL (HOUSING AND
PROPERTY CHAMBER)
UNDER SECTION 26
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with:

9A Rannoch Drive, Renfrew PA4 9AB (hereinafter referred to as “the House”)

The Parties:

**Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley PA1 1BR
 (“the Third Party”)**

**Nasier Elnasr or Elnasri, 1203 Tyburn Road, Birmingham B24 0TE (“the
Landlord”)**

Tribunal Members:

John McHugh (Chairman) and Donald Wooley (Ordinary (Surveyor) Member).

Tribunal Ref: FTS/HPC/RP/19/3118

DECISION

The Tribunal having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order dated 20 December 2019 (“the RSEO”) had not been completed and that the Landlord had failed to comply with the RSEO.

The decision of the Tribunal was unanimous.

BACKGROUND

The RSEO required the Landlord to complete the following work within 42 days of service of the RSEO:

1 Provide a current Landlords' Gas Safety Certificate prepared by a Gas Safe registered engineer confirming that the gas central heating system and any other gas appliances within the Property are in safe working order.

2 Provide a current Electrical Installation Condition Report (EICR) prepared by a SELECT, NICEIC or NAPIT registered electrician confirming that the electrical installations within the Property are in safe working order and in particular identifying no faults in Categories C1 or C2.

3 Obtain a detailed damp report from a suitably qualified contractor to identify the extent of the damp within the bedrooms and its cause. Undertake all necessary repairs to ensure that the House is wind and watertight and in all respects reasonably fit for human habitation.

4 Install appropriately located smoke detectors within the living room and hall and a heat detector within the kitchen, ensuring that they are powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

REASONS FOR THE DECISION

On 26 February 2020, the Surveyor Member of the Tribunal carried out a re-inspection of the House. It was found that none of the matters required to be addressed by the RSEO had been attended to. A copy of the re-inspection report was sent to the Landlord for comment but no response has been received.

RIGHT OF APPEAL

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

J McHugh

John McHugh
Chairperson

Date: 24 March 2020