

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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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/22/1795

Title no: ANG19019

Flat 3/2, 1 Canning Street, Dundee, DD3 7RZ ("The Property")

The Parties:-

Mrs Linda Etchels residing at Flat 3/2, 1 Canning Street, Dundee, DD3 7RZ ("the Tenant")

Mr Shadman Khan residing at 26 Menzieshill Road, DD2 1PU ("the Landlord")

Dundee City Council Private Sector Services Unit, 5 City Square, Dundee, DD1 3BA ("the Applicant")

Whereas in terms of their decision dated 10 January 2023, 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 Property is wind and watertight and in all other respects reasonably fit for human habitation;
- (b) The structure of and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;
- (c) 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 and in proper working order;
- (d) Any fixtures, fittings and appliances provided by the Landlords under the tenancy are in a reasonable state of repair and in proper working order; and
- (e) The Property meets the tolerable standard

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 produce an Electrical Installation Condition Report from a suitably qualified electrician registered with SELECT, NICEIC or NAPIT in clear terms with no outstanding items marked C1 or C2 and generally to ensure that all electrical fittings and fixtures within the Property are in working order and meet the repairing standard;
- (b) to replace the kitchen units within the Property and to ensure, whilst doing so, that the kitchen sink and associated drainage pipes are in proper working order and meet the repairing standard;
- (c) to redecorate the area in the living room ceiling/walls where repair works have previously taken place;
- (d) to investigate the source of damp/water ingress to the rear living room wall and to carry out such works as are necessary to stop further damp/water ingress. Thereafter to carry out any redecoration works rendered necessary by the works
- (e) to carry out such works of repair or replacement to the lounge and main bedroom windows and sills to render them properly wind and watertight, capable of opening and closing properly and generally compliant with the repairing standard;
- (f) to install a new external door to the Property exiting on to the communal stairway and to ensure that it is properly wind and watertight, meets the relevant building and fire regulations and otherwise meets the repairing standard;
- (g) to install a new toilet seat to the toilet at the Property; and
- (h) to replace the sealant around the shower in the shower room of the Property.

The Tribunal order that the works specified in this Order must be carried out and completed within a period of 2 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 two preceding pages are executed by Ewan K Miller, legal member of the Tribunal, at Dundee on 10 January 2023 in the presence of the undernoted witness:-