

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)

Chamber Ref: FTS/HPC/RT/23/0817

33 Selkirk Avenue, Glasgow, G52 3EL (“the Property”)

The Parties:-

**Glasgow City Council, Exchange House, 231 George Street, Glasgow, G1 1RX
 (“the Third Party Applicant”)**

**Mr Ronald Edgar and Ms Nicola Bytheway, 33 Selkirk Avenue, Glasgow, G52
 3EL (“the Tenants”)**

Mr Gerald Cannon, 2 Langlook Crescent, Glasgow, G53 7NR (“the Landlord”)

Tribunal Members:

**Mr Martin McAllister, Solicitor (Legal Member) and Mr Mike Links, Chartered
 Surveyor (Ordinary Member)**

NOTICE TO

Mr Gerald Cannon

Whereas in terms of their decision dated 12th June 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 tribunal now makes a repairing standard enforcement order (RSEO) in the following terms and requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard in terms of Section 13 of the said Act and that any damage caused by the carrying out of any work in terms of this Order is made good.

The tribunal determined to make a repairing standard enforcement order in the following terms:

The Landlord is required to:

1. Repair the window in the bedroom leading from the living room so that it opens and closes in a safe and efficient manner.
2. Repair the steps at the entrance of the Property to ensure that they are safe to the Tenants and others entering or exiting the Property.
3. Ensure that the smoke detector in the hallway of the Property is properly interlinked with the smoke detector in the living room and the heat detector in the kitchen.
4. Instruct a reputable roofing contractor to carry out an inspection of the roof and rainwater goods of the Property and provide a report. The Landlord is thereafter to carry out any work recommended in the report and to ensure that the roof is wind and watertight. Any work undertaken requires to have regard to the possibility that a licensed asbestos contractor may be required to oversee and deal with removal of tiles. A copy of the report is to be provided to the Tribunal prior to any necessary repairs or renewals being instructed by the Landlord.
5. Instruct a reputable damp specialist to carry out an inspection of the Property to address the issues of dampness at the chimney breast wall in the living room and the mould occurring throughout the Property as identified in this Decision, and thereafter to undertake any works which are recommended. A copy of the report is to be provided to the Tribunal prior to any necessary repairs or renewals being instructed by the Landlord.

The Landlord is required to comply with the RSEO by 15th September 2023.

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.

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 typewritten on this and the two preceding pages are executed by Martin Joseph McAllister, legal member of the First-tier Tribunal for Scotland at Kilmarnock on 14th June 2023 before Donald Wooley, chartered surveyor, 20 York Street, Glasgow, G2 8GT