

# 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:** Reference number: FTS/HPC/RP/21/2460

**Property:** 11/3 (1F2) Wardieburn Street West, Edinburgh, EH5 1EB ("The property")

**Parties:**

Toni Gamble-White formerly residing at 11/3 (1F2) Wardieburn Street West, Edinburgh, EH5 1EB ("the Applicant")

and

Rehana Shafqat, 50 Crewe Crescent, Edinburgh, EH5 2JP ("the Respondent")

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Andrew McFarlane (Ordinary Member)**

Whereas in terms of their decision dated 1 December 2021, 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 installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair nor are they in proper working order because the heating boiler is not operational in terms of Section 13(1)(c) of the 2006 Act

(b) The fixtures and fittings provided by the respondent under the tenancy are not in a reasonable state of repair nor are they in proper working order in terms of Section 13(1)(d) of the 2006 Act

(c) The property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire in terms of Section 13(1)(f) of the 2006 Act

(d) The property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health in terms of Section 13(1)(g) of the 2006 Act

And

(e) that the house does not meet the tolerable standard in terms of Section 13(1)(h) of the 2006 Act.

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 to

(i) Install interlinked smoke, heat and CO detectors within the property, ensuring that they are fully functional and located and powered in accordance with the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019.

(ii) Carry out all remedial works to the electrical system and then instruct an Electrical Installation Condition Report (EICR) and Portable Appliance Test (PAT) on the entire electrical installation of the property and all electrical appliances and equipment supplied by the landlord to be carried out by a suitably qualified and registered SELECT or NICEIC electrical contractor. to repair or renew any areas categorised C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with an unqualified report from a suitably qualified and registered SELECT or NICEIC electrical contractor confirming the works are completed.

(iii) Repair or replace the gas central heating boiler and then provide the First-tier Tribunal for Scotland (HPC) with a Gas Safety Record from a suitably qualified, and Gas Safe registered heating engineer on the safety of the gas central heating boiler and all other gas appliances in the property, &, if necessary, carry out any further repairs or replacement to ensure that all gas appliances are safe to use.

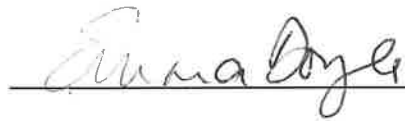
The tribunal order that the works specified in this Order must be carried out and completed within the period of 3 months from the date of service of this Notice.

**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 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 Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the tribunal at Edinburgh on 1 December 2021 before Emma Doyle, 252 Gorgie Road, Edinburgh



witness

**P Doyle**

chairperson