

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order Ordered by the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber Ref: FTS/HPC/RP/22/1503

1, The Old Waterhouse, Old Largs Road, Greenock, PA16 9AR being the subjects registered in the Land Register of Scotland under Title number REN121846 (“the Property”)

The Parties:-

Michelle Brandt residing at 1, The Old Waterhouse, Old Largs Road, Greenock, PA16 (“The Tenant”)

Alexander Ewing and Mrs Maura Ewing residing at 12 Caddlehill Street, Greenock, PA16 8TU (“The Respondents”)

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

NOTICE TO

The said **Alexander Ewing and Mrs Maura Ewing**

Whereas in terms of their decision dated 26th September 2022 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 and in particular the Landlord has 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; 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 proper working order; the fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and proper working order; the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire; the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health and the Property meets the tolerable standard.

The Tribunal now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the Property 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 Landlords to:

1. Instruct a suitably qualified electrical contractor to refit the fused electrical sockets within the kitchen cupboards, the light switch at the utility cupboard, all of the recessed light fittings currently suspended by wire from the ceilings and repair the defective electrical extractor fan in the utility area.
2. Exhibit a current Electrical Installation Condition Report for the Property. The Report requires to be prepared by an electrician registered with SELECT, NICEIC NAPIT, or other suitable accredited registered scheme, who is either employed by a firm that is a member of such accredited scheme or is a self-employed member of such a scheme. The Report requires to have no recommendations in the C1 or C2 category.
3. Exhibit a valid and compliant Gas Safety Certificate prepared by a suitably qualified gas engineer registered in the Gas Safe Register. In the event that any defects are identified in any gas appliance then these should be repaired as necessary.
4. Install:
 - 4.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.
 - 4.2 One functioning smoke alarm in every circulation space, such as hallways and landings.
 - 4.3 One heat alarm in every kitchen and
 - 4.4 All alarms should be interlinked and the installation should comply with the regulations.
5. Install the carbon monoxide alarm in the proximity of the gas boiler in compliance with the regulations.
6. Replace missing guttering, reinstate or renew missing downpipe and repair or renew rotted eaves boards at front, single storey, entrance projection area.
7. Repair defective operating system at top floor bathroom wc cistern ensuring that it is fully functional and in proper working order.
8. Relay and/or refit those areas of carpet, specifically at the stairs and landing/transition areas of the upper floors, where the floor coverings are currently uneven, overlapping, ill-fitting or inadequately secured.
9. Refit or repair the door to the shower cubicle in the "Jack & Jill" bathroom, ensuring that it is fully functional and there is no visible gap between the shower door and the surrounding frame when in the closed position.
10. Repair "French doors" leading from the kitchen to the garden area, ensuring that both are fully functional and in proper working order.
11. Repair, replace or renew defective or missing coping stones at the retaining wall in rear garden, ensuring that they are securely attached to the brickwork.

The Tribunal orders that these works must be carried out and completed by **30th November 2022**.

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 a landlord's successor in title) 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 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 preceding page are subscribed at Glasgow on 30th September 2022 by Jacqui Taylor, chairperson of the Tribunal, in the presence of the witness Shannon Graham of Bothwell House, Caird Park, Hamilton, ML3 0QA