

Housing and Property Chamber First-tier Tribunal for Scotland



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/21/2348

Title no: ELN9452

18 Caesar Way, Tranent, East Lothian EH33 2JA ("The Property")

The Parties:-

East Lothian Council, Protective Services, John Muir House, Haddington, East Lothian EH41 3HA ("the Third Party Applicant")

Ms Ailsa Rutherford, residing at 18 Caesar Way, Tranent, East Lothian EH33 2JA ("the Tenant")

Mr Thomas Aitken, residing at The Stables, Gladsmuir, Tranent, East Lothian EH33 1ED ("the Landlord")

Tribunal Members: Richard Mill (Legal Member) and Angus Anderson (Ordinary Member)

NOTICE to THOMAS AITKEN, residing at The Stables, Gladsmuir, Tranent, East Lothian EH33 1ED ("the Landlord")

Whereas in terms of their decision of even date 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:-

- the house is wind and watertight and in all other respects reasonably fit for human habitation.
- the installations in the house 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.
- the fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order.
- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

- the house meets the tolerable standard.

The Tribunal now requires the Landlord to carry out such works as are necessary for the purposes of ensuring that the property 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:-

1. To provide a current Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property, containing no category C1 or C2 items of disrepair, which also refers to the provision for smoke and heat detection in accordance with Scottish Government guidance.
2. To provide a copy of the current Gas Safety Certificate from a registered Gas Safe engineer, for the property which refers to the provision for carbon monoxide detection.
3. To replace the front door of the property.
4. To instruct a suitably qualified tradesman to survey the windows in the property and to repair or replace same to ensure all windows are operational and in proper working order.
5. The condemned gas fire in the living room requires to be removed the wall made good and redecorated.
6. The extractor fan in the bathroom requires to be repaired or replaced.
7. The vent at floor level in the living room requires to be removed and blocked / sealed.

The Tribunal orders that the works specified in this Order must be carried out and completed within a period of 4 weeks and that any redecoration required, as a consequence of the works being undertaken are also completed, from the date of service of this Notice and evidenced to the Tribunal.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 9 February 2022 before this witness:-

R. Mill

Legal Member

Witness

Name

Address