



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 4

THE REPAIRING STANDARD

Enforcement of repairing standard

26 Effect of failure to comply with repairing standard enforcement order

- (1) It is for the [^{F1}First-tier Tribunal] to decide whether a landlord has complied with a repairing standard enforcement order made by the [^{F2}First-tier Tribunal].
- (2) Where the [^{F3}First-tier Tribunal decides] that a landlord has failed to comply with the repairing standard enforcement order, the [^{F4}First-tier Tribunal] must—
 - (a) serve notice of the failure on the local authority, and
 - (b) decide whether to make a rent relief order.
- (3) The [^{F5}First-tier Tribunal] may not decide that a landlord has failed to comply with a repairing standard enforcement order—
 - (a) unless the period within which the order requires the work to be completed has ended, or
 - (b) if the [^{F6}First-tier Tribunal is] satisfied, on the submission of the landlord or otherwise—
 - (i) that the landlord is unable to comply with the order because of a lack of necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights, or
 - (ii) that the work required by the order is likely to endanger any person.
- (4) Where the [^{F7}First-tier Tribunal is] prevented by reason only of subsection (3)(b) from deciding that a landlord has failed to comply with a repairing standard enforcement order, the [^{F8}First-tier Tribunal] must serve notice on the local authority stating that [^{F9}it

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 26. (See end of Document for details)

considers] the landlord to be unable to comply with the repairing standard enforcement order.

Textual Amendments

- F1** Words in s. 26(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(a)(i)** (with sch. 1)
- F2** Words in s. 26(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(a)(ii)** (with sch. 1)
- F3** Word in s. 26(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(b)(i)** (with sch. 1)
- F4** Words in s. 26(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(b)(ii)** (with sch. 1)
- F5** Words in s. 26(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(c)(i)** (with sch. 1)
- F6** Word in s. 26(3)(b) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(c)(ii)** (with sch. 1)
- F7** Words in s. 26(4) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(d)(i)** (with sch. 1)
- F8** Words in s. 26(4) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(d)(ii)** (with sch. 1)
- F9** Word in s. 26(4) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(7)(d)(iii)** (with sch. 1)

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There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 26.