

# 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 Reference: FTS/HPC/RP/23/2044**

**Re: Property at 8 Woodside Terrace, Cardenden, Lochgelly KY5 0LZ (“the  
Property”)**

**The Parties:**

**Kathleen Reilly, 1 Inchdairnie Cottage, Inchdairnie, Fife KY50UL (“the  
Landlord”)**

**Pawel Kwiatowski, 8 Woodside Terrace, Cardenden, Lochgelly KY5 0LZ (“the  
Tenant”)**

Whereas in terms of their decision dated 11<sup>th</sup> October 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 Act’) and in particular that the Landlord has failed to ensure that: -

- **The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order**
- **any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.**

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: -

1. Carry out such repairs as are necessary to ensure the fence between the property and the neighbouring property at 6 Woodside Terrace is in proper working order and in a reasonable state of repair.
2. Remove the two rusty poles sticking out of the grass in the rear garden.
3. Carry out such repairs as are necessary to ensure the gas cooker in the kitchen is in a reasonable state of repair and proper working order and if necessary replace with a new cooker.
4. Instruct a suitably qualified tradesperson to properly fit and secure the carpet on the stairs and upper landing in the house.
5. Instruct a suitably qualified professional to inspect the wall bordering the property and the neighbouring property at 6 Woodside Terrace to check whether the wall is structurally secure or at risk of collapse and to carry out such repairs as are necessary to ensure the wall functions as a stable boundary wall between the properties.

The Tribunal order that the works specified in this Order must be carried out and completed within the period of eight weeks from the date of service of this Notice.

**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.**

In terms of Section 63 of the Act, 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(s) are executed by Mary-Claire Kelly, legal member of the Tribunal, at Edinburgh on 11<sup>th</sup> October 2023 in the presence of the undernoted witness: -

N Ferguson

M C Kelly

\_\_\_\_\_ witness

\_\_\_\_\_ Legal Member