

Housing and Property Chamber

First-tier Tribunal for Scotland



FIRST TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber)

Chamber ref: FTS/HPC/RP/22/2670

Property address: 44/2 Ferry Road Avenue, Edinburgh, EH4 4AS ("the Property")

Parties:

Miss Iwona Pietrzyk, 44/2 Ferry Road Avenue, Edinburgh, EH4 4AS ("the Applicant")

Mrs Sylwia Pienkowska, 9a Duke Street, Edinburgh, EH6 8HG ("the Respondent")

Tribunal Members:

Mr Mark Thorley (Legal Member)

Mr David Godfrey (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), having made such enquiries as it felt fit, for the purposes of determining whether the landlords have complied with the duty imposed by s.14(1)(b) of the Housing (Scotland) Act 2006, decided that the landlords have complied with the Repairing Standard Enforcement Order made on 27 October 2022 and that a certificate of completion of works should be issued.

Background

- 1. On 27 October 2022, the Tribunal determined that the landlord had failed to comply with the duty imposed by s.14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"). The Tribunal made a Repairing Standard Enforcement Order ("the**

Order”) requiring the landlord to carry out such works as were necessary to ensure the following:

- a) Any of 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;
- b) The insulation to the house and the supply of any water, gas, electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;
- c) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

2. In particular, the tribunal required the landlord to do the following:

- a) To carry out such work as was identified by the Respondent’s expert in dampness in terms of the creation of two wall in addition to two humidity extractors being installed within the bathroom and kitchen wall sections;
- b) To provide an efficient source of heat within the lounge area;
- c) To replace the thermostat in the hall;
- d) To ensure that the main door fits within the door frame;
- e) To ensure the panel separations in the flooring are fixed.

3. The work was to be undertaken within a period of 28 days from the date of the notice.

4. A variation of the Repairing Standard Enforcement Order was subsequently made on 15 January 2023 extending the period for completion of the works to 27 February 2023.

5. A reinspection of the property took place on 2 March 2023. A variation of the Repairing Standard Enforcement Order was then subsequently made on 4 April 2023.

6. A subsequent reinspection took place on 08 August 2023. Representations were then made by the Respondent and various documents were produced as a result.

7. A teleconference hearing took place on 3 November 2023.

8. Prior to that hearing, intimation had been given by the Applicant’s representative that the Applicant no longer wished to insist on the application.

9. At the teleconference hearing, the Respondent was present along with her partner. Further information had been provided in advance of the teleconference hearing by the Respondent.
10. The Tribunal accepted the evidence that had been provided and were of the view that the Repairing Standard Enforcement Order had been complied with and that a certificate of completion could be issued.

Reasons for decision

11. The tribunal were satisfied with the documentation provided by the Respondent that the order has been satisfactorily completed. Accordingly, a certificate of completion of works can be issued.
12. The decision of the tribunal was unanimous.

Right of appeal

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 date upon which the appeal is abandoned or is so determined.

M.Thorley

6 November 2023

Date