

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Statement of Decision: Housing (Scotland) Act 2006, Section 24(1)

Chamber Ref: FTS/HPC/RP/2FT3/4392

Title No: FFE41294

Property: 16 Boswell Drive, Kinghorn, Fife KY3 9TW (“The Property”)

The Parties:- Miss Cristal Robinson, 16 Boswell Drive, Kinghorn, Fife KY3 9TW (“the Applicant”)

Dr Mahmood Mughrabi, 1 Long Craigs Terrace, Kinghorn, Fife KY3 9TA (“the Landlord”)

Tribunal Members:

Mark Thorley (Legal Member)

David Godfrey (Ordinary Member)

Decision

The property does not meet the repairing standard. The Landlord has not complied with the duty imposed by Section 14(1) of the Housing (Scotland) Act 2006. A Repairing Standard Enforcement Order is necessary and is made.

Background

1. By way of application sent to the Tribunal on 8th December 2023 the Applicant sought a determination from the Tribunal that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Act in respect of the property.

2. In the application the Applicant set out that the Landlord had failed to comply with their duties in respect of a variety of matters but as follows:

- a) The windows, especially in the upstairs bedroom, do not close properly and the safety catch on one of the windows is completely broken.
- b) The electric heaters do not work adequately. There is no heating in any of the upstairs bedrooms. The heater in the kitchen and also in the downstairs bedroom does not work and the remainder only work sometimes.
- c) The electrics have not been checked at all since the applicant lived there which is just over two years and the sticker on the fuse box states the last inspection was 2015.
- d) At least one of the fire alarms is broken completely. It has no cover on it.

- e) The boiler is currently broken. There is no gas in the property.
- f) The bath has a crack on the side and the wood around the bottom of the bath is rotten and if any water gets onto the wood it leaks which has created a damp mouldy patch on the ceiling in the downstairs bedroom.
- g) The staircase has missing poles in the banister which is a safety risk for the children in the property.
- h) The carpet on the stairs in a bad condition.
- i) The floor in the kitchen is ripped and broken in places.
- j) The interior doors are not fitted properly and therefore cannot be shut properly in the kitchen.

3. Accordingly the Applicant set out that the Landlord had failed in the duties contained within 13(1)(a), (c), (d), (f), (g) and (h).

4. The application was received by the Tribunal on 8 December and further information was sought from the Applicant namely that the Applicant had informed the Landlord of the work that needed to be undertaken. The Applicant responded provided confirmation. In addition to that a letter from Fife Council to the Landlord dated 23 February 2023 set out the position to the Landlord.

5. The application was accepted for determination on 19 December 2023.

6. Notice of the referral was issued to parties.

Inspection – 11 March 2024

The Tribunal inspected the property on 11 March 2024 at 10 am. The Applicant was present in the property. The Landlord did not attend nor was he represented. The Tribunal inspected the property.

Summary of Issues

The issues to be determined by the Tribunal are whether or not the property meets the repairing standard in respect of the items put at issue when the application was made.

The Tribunal makes the following findings in fact:

1. The title to the subjects known as 16 Boswell Drive, Kinghorn, Fife KY3 9TW is held by the Landlord and his wife Eileen Mughrabi. Their interest is registered in the Land Register of Scotland under the title number FFE41294.
2. There is a Private Residential Tenancy Agreement between Dr Mahmoud Mughrabi and Miss Cristal Robinson.
3. The property is a terraced three storey property overlooking the Forth in Kinghorn. The property has its own front door entry. On the ground floor there is a singular

bedroom, on the mid floor a bathroom, kitchen and lounge and on the top floor three bedrooms together also with a cloakroom.

4. On the top floor the smoke alarm is not functioning. It was tested and it was broken.
5. In bedroom 1 the lock on the windows does not work. In bedroom 2 being the middle bedroom the lock again on the windows does not work and in bedroom 3 the handle on the windows does not lock. Otherwise the windows on the top floor are a good fit.
6. The cloakroom on the top floor is in acceptable condition.
7. Heating on the top floor is provided by portable heaters. There are no radiators in the bedrooms.
8. . The smoke detector in the hall is not working and there is no smoke detector in the living room
9. In the kitchen the floor is cracked and the kitchen cupboards do not shut. There is no heat detector in the kitchen.
10. In the bathroom on the middle floor the light does not work. There is no hot water and the shower is defective.
11. In the landing on the middle floor the radiator does not work.
12. On going down towards the ground floor there is a missing balustrade on the stair. The smoke alarm does not work. The radiator in the rear bedroom does not work.

The Hearing

No party attended at the hearing and accordingly therefore there was no further discussion at the hearing.

Reasons for Decision

The Tribunal determined the application having regard to the papers that had been provided in advance of the hearing together also with their findings at the inspection on 11 March 2024. The Landlord had been given a significant amount of intimation of the issues surrounding the repairing standards by way of the letter from Fife Council to the Landlord dated 23 February 2023.

It was noted the following:

1. There was no current valid Electrical Installation Condition Report.
2. The smoke detectors in the property were not working.
3. The wiring system including lighting and power circuits did not meet the repairing standard.
4. The heating and hot water systems including the electric shower in the bathroom did not meet the repairing standard.

5. The catches on the bedroom windows on the top floor required adjustment so that they worked properly.
6. There required to be a replacement for the panel on the bath and the skirting.
7. There required to be a missing spindle on the balustrade between the middle floor and the ground floor.
8. The kitchen floor covering needed replacement.
9. The kitchen units needed new catches where necessary.
10. The gutters to the front and the rear of the property needed to be cleaned out.
11. The rear drainpipe needed to be fixed.

.....a Repairing Standard Enforcement Order requiring the work to be undertaken within a period of 28 days. This will be registered in the Land Register. Failure of the Landlord to comply with the RSEO is a criminal offence.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

M Thorley

Chairperson

Date26/04/2024.....