

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

Reference number: FTS/HPC/RP/22/2485

Re: Property 8 Woodside Terrace, Cardenden, Fife, KY5 0LZ (“The property”)

Title Number: FFE15334

Parties:

Pawel Kwiatkowski, residing at 8 Woodside Terrace, Cardenden, Fife, KY5 0LZ (“the Tenant”)

Kathleen Reilly, residing at Inchdairine Cottages, Lochgelly, Fife KY5 0UL (“the Landlord”)

Tribunal Members:

Paul Doyle (Legal Member)

Greig Adams (Surveyor Member)

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 9 February 2025 has been completed. Accordingly, the said Repairing Standard Enforcement Order is discharged.

Background

1. On 9 February 2023 the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) issued a decision requiring the Landlord to comply with the repairing standard enforcement order (“RSEO”) made by the

tribunal 9 February 2023. On 9 May 2023 tribunal members inspected the property.

2. The RSEO required the landlord to

1. Instruct a suitably qualified Gas Safe registered engineer to repair or replace the gas central heating boiler, radiators and piping. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a satisfactory Gas Safety Record from a suitably qualified and Gas Safe registered heating engineer on the safety of the gas central heating system and all other gas appliances in the property.

2. Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation in the property and all electrical appliances and equipment supplied by the landlord and carry out all necessary remedial works to rectify any identified C1 and C2 categorised areas. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a clear EICR and PAT prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

3. Repair or replace the window to the rear of the living room.

4. Replace the vinyl flooring in the kitchen and bathroom.

5. Adjust the internal kitchen door and/or latch position to ensure that the latch engages without impairment into the door strike plate.

6. Repair or replace the extractor fans in both the bathroom and kitchen.

7. Find the source of the leak from the WC pedestal/cistern in the bathroom and either repair or replace, so that the toilet flush works properly and the toilet does not leak water.

8. Repair or replace the bath panel.

9. Remove broken fencing from the rear garden.

10. Repair or replace the broken balustrade surrounding the decking in the rear garden.

11. Clear all gutters and downpipes serving the property.

All within 28 days of service of the RSEO

Reinspection

3. On 9 May 2023, tribunal members reinspected the property. Tribunal members found that the works required by the RSEO had not been carried out.

4. On 16 January 2025 tribunal members carried out a further reinspection of the property. The surveyor member prepared a reinspection report which was circulated to the parties. No further representations were received.

5. On reinspection tribunal members found that

(i) A new gas fired boiler has been fitted in the Kitchen whilst isolated replacement of radiators and TRVs has also been undertaken. A Gas Safety Certificate has been provided to the Tribunal dated 24 September 2024 prepared by Brian Farmer Plumbing and Heating Services detailing that the gas installation pipework and appliances were satisfactory.

(ii) A full electrical rewire has been undertaken to the Property and an Electrical Installation Condition Report (dated 5 September 2024). A Portable Appliance Testing (PAT) Certificate was also provided dated 28 October 2024. Electrical Installations and portable electrical appliances are in good working order and satisfactory.

(iii) The Living Room window has been repaired with the hinge mechanism replaced and was found to be operational during the inspection and able to be opened, closed and secured.

(iv) The vinyl flooring within both the Kitchen and Bathroom have been replaced in full and are in good order.

(v) The door handle was found to be secured and the door was capable of being opened and closed. The latch was not fully engaging during the inspection however, the letting agent confirmed that overhaul works had previously been undertaken and that the latch was engaging during his last inspection. It was noted that the property is presently unoccupied and unheated. The remaining issue by itself was considered to be "*de minimus*" (*too small to be meaningful or taken into consideration*).

(vi) The extractor fans within the Bathroom and Kitchen have been replaced and were considered to be in good order and operational.

(vii) No evidence of any active leaks were noted at the WC on basic testing and evidence submitted is that repairs have been undertaken to attend to the previous leak.

(vii) The bath panel has been replaced and is considered to be in an acceptable condition.

(ix) Additional supports have been provided to the chainlink fence at the right hand boundary and the fence was considered to be adequately secured.

(x) Balustrading had been subject to repairs and was considered to be in adequate condition with balusters secure.

(xi) Rainwater goods have been previously cleaned out following the service of the RSEO.

Compliance

6. The tribunal is now satisfied that the work required by the RSEO have been completed.

Decision

7. The tribunal therefore decided to issue a certificate of completion of works in terms of s.60 of the Housing (Scotland) Act 2006.

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 day on which the appeal is abandoned or so determined.

Signed **Paul Doyle**
Legal Member

5 February 2025