

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 26(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/0942

Property: 50 (2F1) Northfield Broadway, Edinburgh EH8 7PH (“the Property/house”)

The Parties:-

City of Edinburgh Council, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG (“the Third Party Applicant”)

Mr Viorel Otvos, sometime 50(2F1) Northfield Broadway, Edinburgh EH8 7PH (“the Tenant”)

Mr Mohammed Razaq, 248 Lasswade Road, Edinburgh EH17 8HZ (“the Landlord”)

Tribunal Members:

George Clark (Legal Member/Chairman) and Greig Adams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order made by the Tribunal on 30 September 2022, determined that the Landlord and/or the new owner has complied with the Order and that a Certificate of Completion to that effect should be issued, along with a Revocation of a Rent Relief Order made on 5 May 2023.

Background

On 30 September 2022, the Tribunal made a Repairing Standard Enforcement Order ("RSEO") in respect of the Property. The RSEO required the Landlord to:

1. *Replace all cracked glazing, re-balance sashes to the lounge windows, replace snapped sash cords and broken sash fasteners overhaul and adjust the sashes to leave fully operational and free from impairment.*
2. *Cut out and repair all localised timber decay to the timber sash and casement window units and sills, raking out and replacing all cracked and defective glazing putties (around the perimeters of the glazing) and the perimeter sealant (at the perimeter of the timber frames to external wall junctions) and redecorate all external window timberwork.*
3. *Install interlinked smoke detectors in the lounge and hallway and an interlinked heat detector in the kitchen, all detectors to be ceiling mounted.*
4. *Adjust the pendant rose installation in the kitchen, installing a cover plate if required, to ensure that no gap is present leading into the ceiling rose or the ceiling.*
5. *Provide the Tribunal with an up-to-date Electrical Installation Condition Report pertaining to the fixed wiring in the Property and containing no C1 or C2 items of disrepair, and a Portable Appliance Test Certificate, dated no earlier than 12 months prior to the date of the Tribunal's Decision, for all appliances provided by the Landlord under the tenancy.*
6. *Replace any cracked wall tiles in the bathroom, rake out and re-seal the bath and wash hand basin, rake out and replace grout where it is cracked and has resulted in water ingress to the shower wall, clean mould and discolouration from the grout, and repair or replace the shower head support bar fixture.*
7. *Appoint a recognised damp contractor or consultant to uplift the laminate floor in the kitchen and expose the underlying substrate, including cutting open an area of flooring around the washing machine area to investigate the floor void below, providing a report with recommendations for attending to any water damage and thereafter carry out all stated recommended remedial works, including the replacement of the laminate flooring.*
8. *Remove and replace the kitchen unit carcasses, door fronts, haffits, kickplates and worktop, to leave all fixtures, fittings and appliances in reasonable condition and good working order.*
9. *Replace the damaged panels in the lounge door.*
10. *Secure or replace the bedroom doorknob ironmongery, to leave the door handle fully operational.*

The Tribunal ordered that the works required by the RSEO must be carried out within three months of the date of service of the Order on the Landlord.

The Tribunal reinspected the Property on 14 March 2023 and determined that Items 1,2,6,7 and 8 of the RSEO had not been satisfactorily attended to and remained outstanding.

On 8 April 2025, the new owner of the Property, Castle Properties Limited, advised the Tribunal that the outstanding works had been carried out.

Reinspection

The Tribunal inspected the Property again on the morning of 6 May 2025. The Third-party Applicants were not present or represented and the Tenant, having vacated the Property, was no longer a party to the application. The Landlord has sold the Property and was not present or represented. The new owner was represented by managing director, Mr Abid Khan.

A Schedule of Photographs, taken at the reinspection is attached to and forms part of this Decision.

Summary of the issues

The issue to be determined was whether the Landlord and/or new owner had carried out the works required by the Repairing Standard Enforcement Order made on 30 September 2022.

Reasons for the Decision

The Tribunal noted that the Property has been completely refurbished. The windows have been replaced and a new kitchen and bathroom installed. The flooring in the kitchen has been replaced. The Tribunal had found at its reinspection on 14 March 2023 that the damaged lounge door had been removed. It has now been replaced by a new door.

The view of the Tribunal was that the new owner has carried out satisfactorily all the works required by the RSEO that remained outstanding at 14 March 2023. Accordingly, a Certificate of Completion should be issued and the Rent Relief Order revoked.

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 day on which the appeal is abandoned or so determined.

G Clark

Signed

Date: 5 May 2025

