

Housing and Property Chamber

First-tier Tribunal for Scotland



Repairing Standard Enforcement Order (RSEO) made under Section 24 of the Housing (Scotland) Act 2006

Chamber Reference number: FTS/HPC/RP/26/0475

Re: Property at 51/3 Lorne Street, Edinburgh EH6 8QJ ("the Property")

Title No: MID47828

The Parties:

Mr Gareth Cook and Ms Lisa Montague, both 51/3 Lorne Street, Edinburgh EH6 8QJ ("the Tenants")

Mr Faizul Baksh, 48 Grigor Avenue, Edinburgh EH4 2PG ("the Landlord")

**Tribunal Members: George Clark, Legal Member
Greig Adams, Ordinary (Surveyor) Member**

Whereas in terms of their decision dated 8 September 2026, 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"), 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. Replace the laminate flooring in the kitchen with laminate or surmount it with a new floorcovering/vinyl.
2. Repair or replace the kitchen units as necessary to make good all damaged components and make good or replace missing doors and drawer fronts.
3. Replace any decayed timber elements, such as plinths and kickplates in the kitchen.
4. Modify the bathroom by repositioning the electric shower unit to facilitate the installation of a suitable shower screen or curtain to prevent water escaping during normal shower use, including making good all water damage and replacing the damaged timber goods and boxing.

The Tribunal orders that the works are completed within three months of the date of service of this Order on the Landlord.

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.

IN WITNESS WHEREOF these presents, typewritten on this and the preceding page, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 8 September 2026 before this witness, Valerie Elizabeth Jane Clark, Droman House, Lasswade, Midlothian.

G Clark



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 Reference number: FTS/HPC/RP/26/0475

Re: Property at 51/3 Lorne Street, Edinburgh EH6 8QJ (“the Property”)

Title No: MID47828

The Parties:

Mr Gareth Cook and Ms Lisa Montague, both 51/3 Lorne Street, Edinburgh EH6 8QJ (“the Tenants”)

Mr Faizul Baksh, 48 Grigor Avenue, Edinburgh EH4 2PG (“the Landlord”)

**Tribunal Members: George Clark, Legal Member
Greig Adams, Ordinary (Surveyor) Member**

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlord has failed to comply with that duty and that it would make a Repairing Standard Enforcement Order.

Background

1. On 27 January 2026, the Tenants applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a determination of whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The Tenants complained that the kitchen flooring had degraded and that the cabinetry, including unit doors and drawer fronts, was structurally unsound. There was also leaking plumbing beneath the sink. The bath had been improperly installed in that it had not been integrated into the wall structure, but instead, positioned against the wall and sealed to the wall surface. The shower was incorrectly positioned and allowed water to escape along the end edge of the bath, leading to flooding when the shower was being used. The Tenants also had referred to a number of external items, namely infestation, drainage problems and sewage leakage.

3. The Tenants also had concerns regarding an unsecured secured ceiling light in the master bedroom, the radiator in the living room and a detached dimmer switch in the bedroom but confirmed at the Inspection that these items had been attended to, as had been the leak from the washing machine plumbing beneath the kitchen sink.
4. Prior to the inspection, the Tenants advised the Tribunal that they would be supported by Ms Kate Podles and the Landlord advised that he would be supported by Ms Zarina Rashid of APM Lettings, Edinburgh.

The Inspection

5. The Tribunal Members inspected the Property on the morning of 4 September 2026 and were admitted by the Tenant, Mr Cook, who was supported by Ms Podles. The Landlord was present with his supporter, Ms Rashid.
6. An Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Statement of Decision.
7. The findings of the Inspection are summarised below:
 - (i) The property comprises a first floor flat in a 4-storey traditionally built tenement erected circa 1900.
 - (ii) There is damage to the veneer of the laminate flooring in the kitchen, and the flooring is lifting in places.
 - (iii) There are missing components of the kitchen units, including door and drawer fronts.
 - (iv) The lighting below the kitchen units is not functioning.
 - (v) The position of the shower unit and the curved shape of the end of the bath are such that it is not possible to close the shower curtain fully against the wall, thus preventing spillage of water during normal use of the shower.
 - (vi) There is damage to the timber boxing adjacent to the end of the bath and beneath the shower unit.

The Hearing

8. Following the Inspection, a Hearing was held at Edinburgh Tribunals Centre, 27 Chambers Street, Edinburgh. It was attended by Mr Cook and Mr Baksh, with their respective supporters, Ms Podles and Ms Rashid.
9. The surveyor Member of the Tribunal summarised the findings of the Inspection.
10. The Landlord acknowledged the issues in the kitchen and suggested that the problem with the flooring might be the result of over-mopping and the problems with the kitchen units were wear and tear. He accepted the need to fix the timber boxing in the bathroom.

Reasons for Decision

11. A landlord has a duty under Section 14(1)(b) of the Act, to ensure that the Property meets the Repairing Standard at all times during the tenancy. Section 24(2) of the Act provides that, where the Tribunal decides that a landlord has failed to comply with that duty, it must, by Repairing Standard Enforcement Order, require the landlord to carry out such work as is necessary for ensuring the Property meets the Repairing Standard and must specify the period within which the work required by the Order must be completed.
12. The Tribunal noted the assertion of the Landlord that the problems with the kitchen units could be put down to wear and tear, but it is the responsibility of landlords, not tenants, to make good fair wear and tear. The Tribunal did not accept that the deterioration of the laminate flooring in the kitchen could have been caused by “over-mopping”.
13. The Tribunal is of the view that the Property fails to meet the repairing standard. The laminate flooring in the kitchen is below acceptable standard and may become a trip hazard. The kitchen units require repair or renewal, and a solution has to be found to the problem of water escaping beyond the end of the bath during normal use of the shower.
14. The Tribunal noted that the lighting beneath the kitchen units is not functioning but did not regard this as meriting inclusion in a Repairing Standard Enforcement Order, as it is not the main source of lighting in that room.
15. The Tribunal did not consider further the complaints relating to issues outwith the Property, as these would be communal matters, not capable of being resolved by a Repairing Standard Enforcement Order.
16. The Tribunal’s Decision was unanimous.

G Clark

8 September 2026



**51/3 Lorne Street, Edinburgh EH6
8QJ “the Property”/ “the House”)**

Chamber Reference: FTS/HPC/RP/26/0475

SCHEDULE OF PHOTOGRAPHS



1 Front Elevation of Tenement.



2 General view of laminate flooring deterioration to Kitchen flooring.



3 Close view of defective laminate flooring veneer within Kitchen.



4 Close view of defective laminate flooring veneer within Kitchen.



5 Missing drawer front to kitchen base unit.



6 Close view of missing drawer front.



7 Damaged kitchen plinth/kickplate.



8 Further missing door front to base unit.



9 Defective drawer.



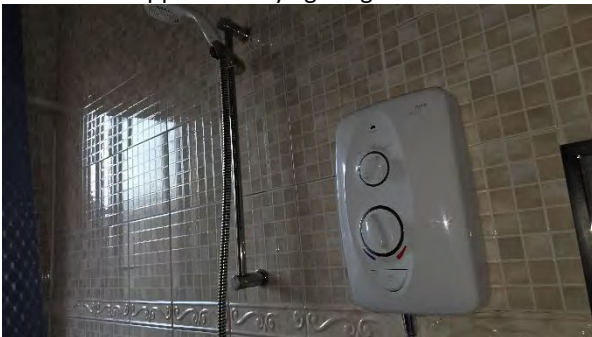
10 Example of retained, failed drawer front



11 Kitchen supplementary lighting below wall units.



12 Example of retained, failed kitchen components.



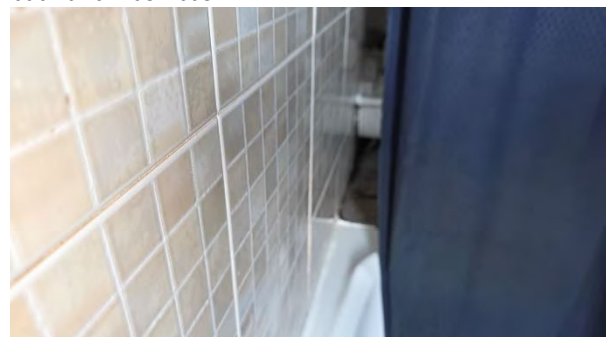
13 Electric shower in Bathroom.



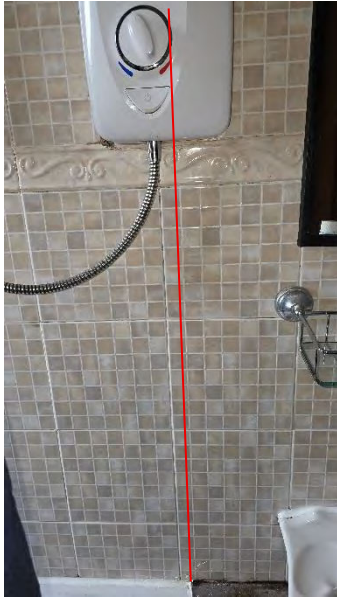
14 Damage to pipe boxing detail spanning between bath and wash basin.



15 Close view of pipe boxing detail and timber decay arising from water escape from bath/shower area.



16 Shower curtain drape into bath and problematic area abutting wall tiling.



17 Conflict with shower control positioning to bath.



18 Bath sealant.



19 Bath installation abutting wall tiling.