Housing and Property Chamber
First-tier Tribunal for Scotland

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

(Hereinafter referred to as "the tribunal")

Statement of decision of the Tribunal under Section 25 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RP/25/2643

Re: 9 Kenmuiraid Place, Bellshill, North Lanarkshire, ML4 2AL ("the house")

Land Register Title No: LAN13345

Mr Stephen Swiffen, Ms Tracie Ann Smith, Ms Gemma Stannway, 9 Kenmuiraid Place, Bellshill, North Lanarkshire, ML4 2AL ("the Tenants")

Ms Julie Paszkiewicz, 65 Winning Quadrant, Wishaw ML4 2AL ("the Landlord")

Sarah O'Neill (Legal Member) and Andrew McFarlane (Ordinary (Surveyor) Member)

Repairing Standard Enforcement Order Against:

Ms Julie Paszkiewicz (the landlord)

Background

1. The tribunal issued a decision on 21 May 2026 requiring the landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the tribunal on the same date.

2. The RSEO required the landlord to:

1) Engage a Gas Safe Registered Engineer to connect the currently unconnected gas cooker to the main supply to leave it in a reasonable state of repair and in proper working order.

2) Engage an appropriately qualified specialist contractor to inspect and report on the sealants on the visible sections of the flue pipe from the wood burning stove. Send a copy of the contractor's report to the tribunal for its approval. Once the

report has been approved, carry out any remedial works recommended by the contractor, to ensure that the sealants are in a reasonable state of repair and in proper working order.

3) Replace the missing section of the plastic facing above the window to the rear dormer to leave it in a reasonable state of repair and in proper working order.

4) Restore the paving slabs on the direct route from the public footpath to the front door of the house to leave that area of the driveway free from trip hazards and in a reasonable state of repair and in proper working order.

5) Reinstate the fencing to the front of the property demarcating the side of the shared access to the rear. Repair or replace, in conjunction with adjoining proprietors, fences separating the rear garden round to the house from surrounding properties to leave in a reasonable state of repair and in proper working order.

6) Repair or replace defective areas of the shed wall, floor, door and roof boarding to leave in a reasonable state of repair and in proper working order. Recover the roof to leave it in a wind and watertight condition.

7) Reinstate missing sections of plasterboard or plaster to ceiling and walls in the smaller front bedroom at first floor level around the boiler to leave it ready for decoration.

8) Patch repair flooring in smaller front bedroom at first floor level in area below boiler and around pipes to leave ready for floor coverings.

9) Fix in place 2 missing tiles in the kitchen floor (understood to be on site) to match as closely as possible surrounding tiling and to leave the floor in a reasonable state of repair and in proper working order.

10) Supply and fit door bars (cover strips) to seal the junctions between the carpet finish to floor of first floor landing and the adjacent smaller and larger front bedrooms to leave these in a reasonable state of repair and in proper working order.

11) Remove the existing damaged toilet roll holder and replace with a similar item to leave in a reasonable state of repair and in proper working order.

12) Remove the existing unfixed coat hooks and either fix in position or supply and fix a similar item to fit in the available space all to leave in a reasonable state of repair and in proper working order.

13) Remove the decorative concrete finials from the planter to the front of the house. Cut off the metal pins exposed as a result by cutting off or otherwise treating to remove sharp surfaces.

14) Carry out any decorative works required to make good finishes as necessary as a result of the items listed above.

The tribunal ordered that all of the works must be carried out and completed within the period of eight weeks from the date of service of the RSEO.

3. On 23 July 2026, the tribunal decided that it would be reasonable to vary the RSEO to allow the landlord to obtain access to the house and to allow the landlord more time to carry out the repairs.

4. On 19 October 2026, the tribunal carried out a re-inspection of the property. It found that only item 13 had been completed.

5. The tribunal is aware that there is a dispute between the parties regarding the provision of access to the landlord to carry out the remaining repairs. It is also aware that the landlord has submitted an application to the First-tier Tribunal for assistance in exercising the landlord's right of entry in order to carry out the repairs("the right of entry application"). The right of entry application is currently being progressed through the system.

6. In the circumstances, the tribunal considers that it would be reasonable to allow further time for the right of entry application to be decided, and if the tribunal member allocated to that application decides to assist the landlord, to allow further time for the remaining repairs to be completed.

7. The tribunal therefore decided to extend the period for the completion of the works until **9 February 2027,** to allow for access to be provided and for the outstanding works to be completed.

8. Following the expiry of that period, the tribunal intends to arrange a further re-inspection of the property. It may then also decide to fix a hearing to consider whether the landlord has complied with the RSEO to its satisfaction. In doing so, it will if necessary take into account whether the landlord has been unable to comply with the order because of a lack of necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights, in terms of section 26(3) of the Housing (Scotland) Act 2006.

Rights of Appeal

9. 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.

10. 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.

S O'Neill

Signed…… ……Date 6 November 2026

Sarah O'Neill, Chairperson