

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Notice of a Decision to Vary a Repairing Standard Enforcement Order (“RSEO”): Housing (Scotland) Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/22/2670

Property Address: 44/2 Ferry Road Avenue, Edinburgh EH4 4AS (“the property”)

The Parties: Miss Iwona Pietrzyk, 44/2 Ferry Road Avenue, Edinburgh EH4 4AS (“the Applicant”)

Mrs Sylwia Pienkowska, 9a Duke Street, Edinburgh EH6 8HG
 (“the Respondent”)

Tribunal Members:

Mr Mark Thorley (Legal)
Mr David Godfrey (Ordinary)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) having determined that the Repairing Standard Enforcement Order relative to the property should be varied, said Repairing Standard Enforcement Order is hereby varied with effect from the date of service of this Notice in the following respects:-

1. To carry out such work as is identified by the respondent’s expert in dampness in terms that one wall core is created and cored in the bathroom and one core is created and cored in the kitchen wall section and a humidity extractor fan is installed within each of the bedroom and kitchen wall sections.
2. The said works to be undertaken within a period of 28 days from the date of this Notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

A landlord, tenant or third party applicant 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.

This is as executed by Mark Thorley, chairperson of the Tribunal at Edinburgh on the Fourth day of April 2023 and the Decision of the Tribunal was unanimous.