

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

Chamber Ref: FTS/HPC/RP/15/0142

Title no/Sasines Description: MID90259

Property Address: 2/7 LINDSAY ROAD, EDINBURGH, EH6 4EP
("the property")

The Parties: MRS SARA COWAN, 2/7 LINDSAY ROAD,
EDINBURGH, EH6 4EP ("the tenant")

MRS SARA COWAN, 2/7 LINDSAY ROAD,
EDINBURGH, EH6 4EP and MR DALWINDER
SINGH AND MR GURMET KAUR SINGH, 74
PARK GROVE DRIVE, EDINBURGH, EH7 4QF
("the Landlords")

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"), having made such enquires as appropriate for determining whether the landlords have complied with the Repairing Standard Enforcement Order (RSEO) in relation to the property concerned and taking account of the subsequent re-inspection of the property, determined that the landlords have complied with the order and that a certificate of completion of work to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006.

Background

1. By way of decision dated 28 July 2015 the tribunal issued a determination that 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 tribunal issued an RSEO on the property requiring the landlord to
 - (i) Repair or replace the window in the main bedroom (the bedroom with the ensuite facilities) to ensure the window can open and close property.
 - (ii) Repair the crack on the internal casing of the fridge unit (or replace the fridge) and replace the two freezer boxes and the freezer unit.
 - (iii) A re-inspection was undertaken on 18 September 2015 and found that although some remedial works had been carried out the internal casing of the fridge unit had not been

repaired or replaced. Furthermore the drawer in the freezer unit was still missing and the other freezer drawer was cracked and still had a sharp edge.

- (iv) As a consequence a rent relief order was made on 22 July 2016 reducing the rent payable by the tenant under the Tenancy Agreement by the amount of 20%.
3. A further re-inspection was undertaken. The re-inspection was undertaken by Andrew Taylor, ordinary member and qualified surveyor. In attendance were Mr Singh the landlord and a Mrs Akram the new tenant.
4. The following was noted:
- (i) Bedroom window repaired so it operated correctly.
- (ii) The fridge/freezer has been replaced.
5. Accordingly it was noted that all works as required in terms of the Repairing Standard Enforcement Order had been undertaken.
6. The tribunal defined the works as required to be implemented under the RSEO had been performed.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Effect of section 63

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

M Thorley

Signed

Chairperson

Date

10 March 2020