

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Reference number: FTS/HPC/RP/22/2485

Re: Property 8 Woodside Terrace, Cardenden, Fife, KY5 0LZ ("The property")

Title Number: FFE15334

Parties:

Pawel Kwiatkowski, residing at 8 Woodside Terrace, Cardenden, Fife, KY5 0LZ ("the Tenant")

Kathleen Reilly, residing at Inchdairine Cottages, Lochgelly, Fife KY5 0UL ("the Landlord")

Tribunal Members:

P Doyle (Legal Member)

G Adams (Surveyor Member)

Whereas in terms of their decision dated 9 February 2023, 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") and in particular that the landlord has failed to ensure that:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation in terms of Section 13(1)(a) of the 2006 Act;
- (b) The structure and exterior of the house (including drains, gutters and external pipes) are not in a reasonable state of repair nor in proper working order in terms of Section 13(1)(b) of the 2006 Act;
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair nor are they in proper working order in terms of Section 13(1)(c) of the 2006 Act;

- (d) The fixtures and fittings provided by the respondent under the tenancy are not in a reasonable state of repair nor are they in proper working order in terms of Section 13(1)(d) of the 2006 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. Instruct a suitably qualified Gas Safe registered engineer to repair or replace the gas central heating boiler, radiators and piping. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a satisfactory Gas Safety Record from a suitably qualified and Gas Safe registered heating engineer on the safety of the gas central heating system and all other gas appliances in the property.
2. Instruct a suitably qualified SELECT, NICEIC or NAPIT registered electrician to carry out a certified electrical inspection of the entire electrical installation in the property and all electrical appliances and equipment supplied by the landlord and carry out all necessary remedial works to rectify any identified C1 and C2 categorised areas. Thereafter to provide the First-tier Tribunal for Scotland (HPC) with a clear EICR and PAT prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.
3. Repair or replace the window to the rear of the living room.
4. Replace the vinyl flooring in the kitchen and bathroom.
5. Adjust the internal kitchen door and/or latch position to ensure that the latch engages without impairment into the door strike plate.
6. Repair or replace the extractor fans in both the bathroom and kitchen.
7. Find the source of the leak from the WC pedestal/cistern in the bathroom and either repair or replace, so that the toilet flush works properly and the toilet does not leak water.
8. Repair or replace the bath panel.
9. Remove broken fencing from the rear garden.
10. Repair or replace the broken balustrade surrounding the decking in the rear garden.
11. Clear all gutters and downpipes serving the property.

The tribunal order that the works specified in this Order must be carried out and completed within the period of 28 days from the date of service of this Notice.

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.

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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents type written on this and the preceding page are executed by P: Doyle, _____, legal member of the tribunal at Edinburgh on 9 February 2023 before Er Doyle,

_____ witness _

_____ chairperson