

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

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 Ref: FTS/HPC/RT/0942

Property: 50 (2F1) Northfield Broadway, Edinburgh EH8 7PH (“the property/house”)

Sasine Description: All and Whole the northmost house on the second floor of the block 50/1 to 50/6 inclusive Northfield Broadway in the City of Edinburgh and County of Midlothian, being the subjects more particularly described in and in feu farm disposed by Feu Disposition by City of Edinburgh Council in favour of Annie Flockhart Murray recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on 4 August 1988 (SS Midlothian 200056)

The Parties:-

City of Edinburgh Council, Waverley Court, 4 East market Street, Edinburgh EH8 8BG (“the Third Party Applicant”)

Mr Viorel Otvos, 50 (2F1) Northfield Broadway, Edinburgh EH8 7PH (“the Tenant”)

Mr Mohammed Razaq, 248 Lasswade Road, Edinburgh EH17 8HZ (“the Landlord”)

Tribunal Members:

George Clark (Legal Member/Chairman) and Greig Adams (Ordinary Member)

Whereas in terms of their Decision dated 30 September 2022, 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 all cracked glazing, re-balance sashes to the lounge windows, replace snapped sash cords and broken sash fasteners overhaul and adjust the sashes to leave fully operational and free from impairment.
2. Cut out and repair all localised timber decay to the timber sash and casement window units and sills, raking out and replacing all cracked and defective glazing putties (around the perimeters of the glazing) and the perimeter sealant (at the perimeter of the timber frames to external wall junctions) and redecorate all external window timberwork.
3. Install interlinked smoke detectors in the lounge and hallway and an interlinked heat detector in the kitchen, all detectors to be ceiling mounted.
4. Adjust the pendant rose installation in the kitchen, installing a cover plate if required, to ensure that no gap is present leading into the ceiling rose or the ceiling.
5. Provide the Tribunal with an up-to-date Electrical Installation Condition Report pertaining to the fixed wiring in the Property and containing no C1 or C2 items of disrepair, and a Portable Appliance Test Certificate, dated no earlier than 12 months prior to the date of the Tribunal's Decision, for all appliances provided by the Landlord under the tenancy.
6. Replace any cracked wall tiles in the bathroom, rake out and re-seal the bath and wash hand basin, rake out and replace grout where it is cracked and has resulted in water ingress to the shower wall, clean mould and discolouration from the grout, and repair or replace the shower head support bar fixture.
7. Appoint a recognised damp contractor or consultant to uplift the laminate floor in the kitchen and expose the underlying substrate, including cutting open an area of flooring around the washing machine area to investigate the floor void below, providing a report with recommendations for attending to any water damage and thereafter carry out all stated recommended remedial works, including the replacement of the laminate flooring.
8. Remove and replace the kitchen unit carcasses, door fronts, haffits, kickplates and worktop, to leave all fixtures, fittings and appliances in reasonable condition and good working order.
9. Replace the damaged panels in the lounge door.
10. Secure or replace the bedroom doorknob ironmongery, to leave the door handle fully operational.

The Tribunal orders that the works required by this Order must be carried out 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 two preceding pages, are subscribed by George Barrie Clark, Legal member/Chair of the Tribunal at Lasswade on 30 September 2022