

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/1534

Title no: FFE6232

Lambsha Cottage, Cluny, Kirkcaldy, Fife, KY2 6QX being the subjects registered in the Land Register of Scotland under Title Number FFE6232 ('The Property')

The Parties:-

John Taylor residing at Avenuehead Cottage, Auchenbowie, Stirling, FK7 8HB ('the Landlord').

Maxine McLeary residing at Lambsha Cottage, Cluny, Kirkcaldy, Fife, KY2 6QX ('the former Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Harry Maclean (Ordinary Member).

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 19th October 2018 which required the Landlord to:-
 - 1.Repair the dampness to the wall situated to the left of the toilet in the bathroom to render it water tight.
 - 2.Install a tap/ valve to enable the stop cock to be easily opened and closed.
 - 3.Repair or replace the front door and door frame in the Property to render them wind and watertight and in proper working order.
 - 4.Repair or replace the defective double glazed unit to the dorma window at the top of the stairs.
 - 5.Repair the coping stones on the wall round the back garden to render them secure.
 - 6.Repair or replace the external light at the rear of the Property to render it in proper working order.
 - 7.Implement a rodent eradication strategy to effectively eradicate the vermin in the Property.
 - 8.Exhibit a valid and compliant EICR and PAT Certificate.
 9. Install:
 - 9.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.

9.2 One functioning smoke alarm in every circulation space, such as hallways and landings.

9.3 One heat alarm in every kitchen and

9.4 All alarms should be hardwired and interlinked.

The Tribunal orders that these works must be carried out and completed by

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed by 15th December 2018.

3. On 23rd April 2019 the Ordinary member of the Tribunal inspected the Property and determined that the works required by the RSEO had been completed. The reinspection report is annexed and executed as relative hereto.

4. Decision

The Tribunal being satisfied that the terms of the RSEO had been satisfactorily completed determined to certify that the terms of the RSEO had been completed.

5. The decision of the Tribunal was unanimous.

6. Appeals

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.

J Taylor

Signed.....
Chairperson

.....Date 22nd May 2019

Housing and Property Chamber
First-tier Tribunal for Scotland



22/5/19

Re-inspection Report

J Taylor

FTS/HPC/RP/18/1534

Schedule of photographs taken during Re-inspection of

Lambsha Cottage, Cluny, Kirkcaldy, KY2 6QX

23rd April 2019 at 1000hrs



Front Elevation – April 2019

Access:

I re-inspected the property at 1000 on 23rd April 2019 and was shown around by the landlord's representatives. Rebecca Forbes, the venue assistant from HPC was in attendance.

The weather was 14 degrees Celsius, dry, sunny and warm.

Purpose of the re-inspection:

The purpose of this re-inspection was to establish whether the repairs directed by the RSEO had been completed and to a satisfactory standard.

The RSEO had previously been issued by HPC Committee Legal member Jacqui Taylor and Ordinary member Harry Maclean after visiting in October 2018.

Under the RSEO, the Committee determined at this time that the landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act").

The RSEO issued in October 2018 listed a number of items requiring attention as below:

1. Repair the dampness to the wall situated to the left of the toilet in the bathroom to render it water tight.
2. Install a tap/ valve to enable the stop cock to be easily opened and closed.
3. Repair or replace the front door and door frame in the Property to render them wind and watertight and in proper working order.
4. Repair or replace the defective double glazed unit to the dormer window at the top of the stairs.
5. Repair the coping stones on the wall round the back garden to render them secure.
6. Repair or replace the external light at the rear of the Property to render it in proper working order.
7. Implement a rodent eradication strategy to effectively eradicate the vermin in the Property.
8. Exhibit a valid and compliant EICR and PAT Certificate.
9. Install:
 - 9.1 One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.
 - 9.2 One functioning smoke alarm in every circulation space, such as hallways and landings.
 - 9.3 One heat alarm in every kitchen Incomplete.
 - 9.4 All alarms should be hardwired and interlinked.

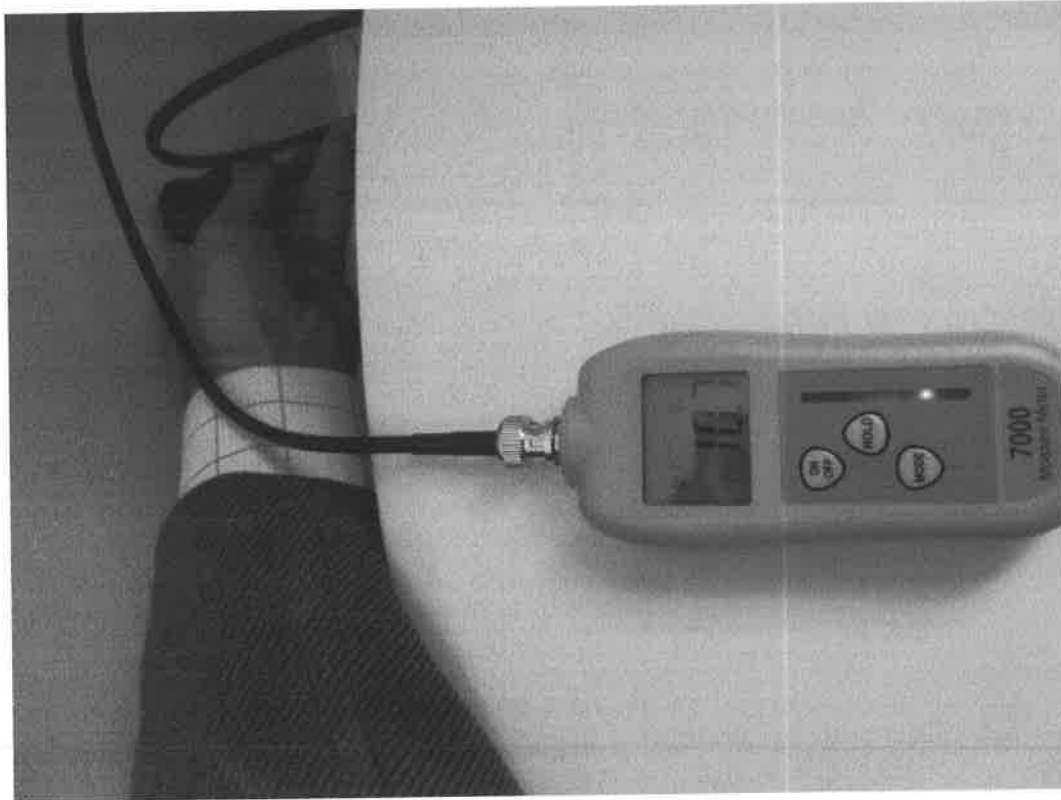
At the first re-inspection on the 8th January 2019 it could be seen that the majority of these items have been completed.

However, items 1, 7, 8 and 9 remained outstanding.

Summary

On this final inspection on 23rd April, it could be seen that these items have subsequently been completed to a satisfactory standard. These can be seen in the images below:

Item 1:

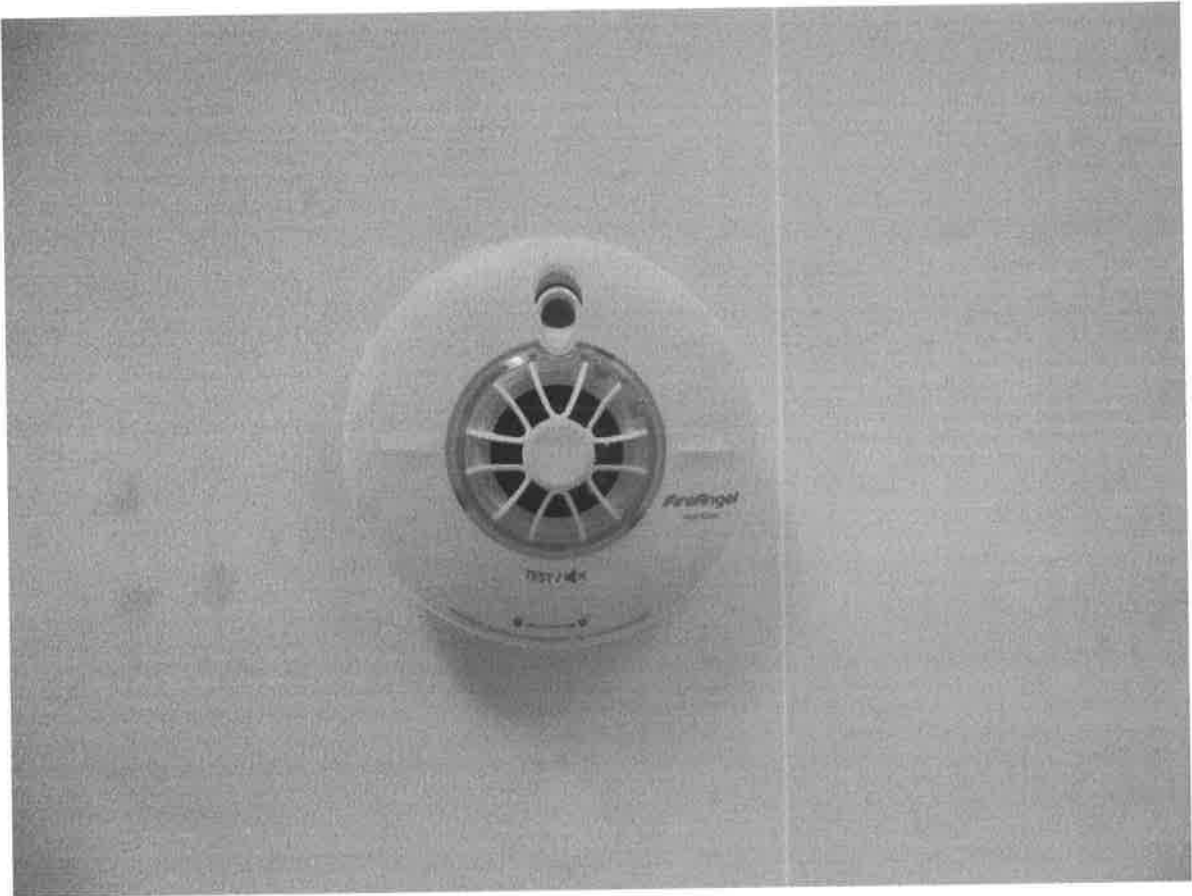


Moisture reading in bathroom now 10.7% (previously 23.5%) COMPLETED

Items 7: Implement a rodent eradication strategy to effectively eradicate the vermin in the Property. Evidence sent to HPC via e-mail earlier.

Item 8: Provide a valid and compliant EICR and PAT Certificate. Evidence sent to HPC via e-mail earlier.

Item 9:



New Smoke and heat alarms to kitchen and living areas. COMPLETED.

Outstanding matters

All matters requested in the original RSEO have been attended to. The landlord has also improved in other areas.

Comments

This report will be distributed to the landlord and his representatives for their comment and will be referred afterwards to the Committee of the Housing and Property Chamber for their consideration and further action.

Harry J Maclean

Surveyor Member

Housing and Property Chamber

23rd April 2019