

Housing and Property Chamber
First-tier Tribunal for Scotland



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/RP/23/1092

Re: Property at 38 Sunnybraes, Steelend, Dunfermline, Fife KY12 6NE (“the Property”)

Parties:

Miss Lisa Goldie, 38 Sunnybraes Terrace, Steelend, Dunfermline, Fife KY12 9NE (“the Tenant”)

Focal Point Property Limited, incorporated in Scotland (SC457892), and having their registered office at 126 Henderland Road, Bearsden, Glasgow G61 1JA (“the Landlords”)

Tribunal Members:

George Clark (Legal Member) and Geraldine Wooley (Ordinary/surveyor Member)

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlords have failed to comply with that duty. The Tribunal made a Repairing Standard Enforcement Order in respect of the Property and also issued a Direction to the Landlords.

Background

1. By application, dated 4 April 2023, the Tenant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a

determination of whether 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 application stated that there is severe damp in the Property, with several patches of black mould in the hallway and bathroom. There is no extractor fan in that room and no way for the steam from the bath and shower to escape. During heavy rain or snow, water gathers at the top of the hallway and drips down the walls. Daylight can be seen through splits in the entrance door to the Property and there is a gap in the kitchen window. The boiler pressure keeps dropping and the garden fence collapsed years ago.

The Inspection

3. The Tribunal inspected the Property on the morning of 28 July 2023. The Tenant was in attendance. The Landlords were not present. A Schedule of Photographs, taken at the inspection, is appended to and forms part of this Statement of Decision. The Tenant told the Tribunal that the central heating boiler pressure continues to drop and that she understands that this may be caused by leaking radiators. The Tribunal did not test the central heating system.

The Hearing

4. Following the inspection, a Hearing was held at The Vine Conference Centre, Dunfermline. Neither Party was present or represented.

Reasons for Decision

5. The Property is an upper flat in a block of four, erected circa 1970. The accommodation comprises a living room, two bedrooms, kitchen and bathroom. The Property is accessed by an internal stair. The roof is slated and the external walls are harled. There is a small area of garden ground to the rear of the Property.
6. The Tribunal noted that dampness is evident on the external wall going down the stairs and on the wall behind the entrance door. Dampness is also evident in the second bedroom. The roof is failing, with a large number of slipped slates to the front elevation. There is significant corrosion of the gutters (which appear to be original and cast-iron). There is evidence of rainwater leaking from the joints in the gutters, which are severely rusted, and it appears likely that they are gathering debris from the roof, where the harling on the chimney is cracked and falling off. There is no evidence of cracking in the harling on the external walls of the Property. The view of the Tribunal is that it is likely that the external walls become saturated in winter weather due to the gutters overflowing, and that the dampness issues are caused by a combination of damp walls and condensation. The gutters require to be replaced, the roof and hip ridges need attention, the chimney requires to be inspected, repointed and reharled. The roof requires to be inspected and suitable repairs carried out to replace slipped and missing slates to ensure it is safe, wind and water tight. The dampness in the walls of the stair and in the second bedroom should be monitored and cleaned off, with the affected areas then being redecorated, and the mould in

the bathroom should be removed and the walls/plasterwork treated to prevent further mould growth.

7. The bathroom has insufficient ventilation, with no extractor fan. There is mould on the ceiling above the shower cabinet and also above the window.
8. The front door of the Property has been damaged by dampness and is not wind and water tight. It should be repaired or replaced.
9. The opening light in the kitchen window is poorly fitted and is not wind and water tight. It should be repaired or replaced.
10. There are leaking radiators in the hall and main bedroom and repair works are required.
11. The garden fence is missing.
12. There are smoke alarms in the hall and living room, and a heat alarm in the kitchen, of the Property, but no fixed carbon monoxide monitor in the kitchen where the boiler is located.
13. The Tribunal observed that there are trip hazards within the Property, notably on the stair carpet and at door thresholds.

Decision

14. Having considered carefully all the evidence before it, the Tribunal decided that the Landlords have failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act and the Tribunal decided to make a Repairing Standard Enforcement Order.

G Clark

1 August 2023
Date