

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: PRHP/KY11/47/09

Title no: FFE46362

4 Louise Street, Dunfermline, Fife, KY11 4AU ('The Property')

The Parties:-

Anna Kennedy- Stewart residing at 29a Mill Street, Alloa, KY10 1DT ('the Original Landlord').

Francis Michael McDonald residing at 31 Sydney Terrace, Edinburgh, EH7 6SR ('The current Landlord/ heritable proprietor')

Mary George residing at 4 Louise Street, Dunfermline, Fife, KY11 4AU ('the former Tenant').

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

1. The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 1st October 2009 which required the Landlord :-

- (i) To effect such repairs as are required to eliminate the penetrating and continuing dampness evident in the walls and ceilings of the bathroom, hall cupboard and kitchen.*
- (ii) To repair or replace the central heating programmer/timer.*

2. The Tribunal ordered that the works specified in the RSEO were to be carried out and completed within three months of the date of service of the RSEO.

3. The RSEO was registered in the Land Register of Scotland under title number FFE46362 on 20th October 2009.

4. The current Landlord/heritable proprietor purchased the Property from the Original Landlord on 31st July 2020.

5. The current Landlord/ heritable proprietor sent an email to the Tribunal Administration dated 24th August 2021 which advised that he had renovated the

property to a high specification and requested that the notice was removed. Photographs were provided.

6. At the request of the Tribunal the current Landlord/ heritable proprietor sent the Tribunal a copy of the Home Report for the Property dated 7th September 2021. The Home Report confirmed that there was no evidence of dampness in the Property and a new central heating boiler had been recently installed. The Energy Performance Certificate, which forms part of the Home Report, states that the radiators are fitted with thermostatic valves. The current Landlord also provided a number of photographs which illustrated the recent internal decoration and refurbishment which was completed prior to placing the property on the market for sale.

7. Decision

The Tribunal are satisfied that the Home Report, the Energy Performance Certificate and supporting photographs provide sufficient evidence that items 1 and 2 of the RSEO have been satisfactorily completed and determined to certify that the terms of the RSEO have been completed.

8. The decision of the Tribunal was unanimous.

9. 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.

Signed.....**J Taylor**.....Date **20th September 2021**
Chairperson