

**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**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/21/1632**

**20 Craigston Drive, Dunfermline, KY12 0XE registered in the Land  
Register of Scotland under Title Number FFE85372 (“the Property”)**

**The Parties:-**

**Miss Louise Broderick residing at 20 Craigston Drive, Dunfermline, KY12  
0XE (“The Tenant”)**

**Mrs Usha Gronbach residing at 1 Eastfield Road, Fauldhouse, Bathgate,  
EH47 9LE (“The Landlord”)**

**Tribunal Members:**

**Jacqui Taylor (Chairman) and Geraldine Wooley (Ordinary Member)**

**1. Background**

1.1 The Tenant leases the Property from the Landlord in terms of the Tenancy Agreement between the parties, which had been produced. The Tenant applied to the Tribunal for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (‘the Act’).

**2. Application**

The application stated that she considered that the Landlord had failed to comply with her duty to ensure that the Property meets the repairing standard. She advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation; the installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order; any fixtures, fittings and appliances provided by the landlord under the tenancy are not capable of being used safely for the purpose for which they are designed and the Property does not meet the tolerable standard.

In particular the application stated :-

2.1 Doors (front and back are not safe, the front door is cracked, very drafty and loses heat in colder weather).

- 2.2 Windows in living room, all bedrooms (leaking when raining, black mould appears every few months) they are not airtight.
- 2.3 Leak in bathroom sink or bath causing mould on cupboard ceiling.
- 2.4 Boiler leaking causing mould in cupboard.
- 2.5 Living room floor, massive hole in living room. Glue was provided at first but does not hold.
- 2.6 Kitchen floor, holes all cracked due to wear and tear, very old tiles.
- 2.7 Toilets do not flush properly all of the time, they constantly block.
- 2.8 Plaster loose on corners of the walls.
- 2.9 Some doors are falling off their hinges.

### **3. Repairing Standard Enforcement Order dated 8<sup>th</sup> March 2022 ('RSEO')**

Following the hearing on 7<sup>th</sup> March 2022 the Tribunal issued the RSEO in the following terms:

*'The Tribunal requires the Landlord to:*

- 1. Repair or replace the front door of the property to render it wind and water tight.*
- 2. Repair or replace the windows in the living room and all bedrooms of the property (including the sills and frames) to render them wind and water tight.'*

The Tribunal ordered that these works must be carried out and completed by **10<sup>th</sup> June 2022.**

### **4. Re Inspection on 31<sup>st</sup> August 2022 and subsequent hearing on 18<sup>th</sup> January 2023.**

The Tribunal attended at the Property at 11.30 am on 31<sup>st</sup> August 2022 and thereafter held a conference call hearing on 18<sup>th</sup> January 2023. Both parties attended both the reinspection and the hearing.

### **5. Decision dated 18<sup>th</sup> January 2023.**

Following the inspection of the Property on 31<sup>st</sup> August 2022 and the hearing on 18<sup>th</sup> January 2023 the Tribunal issued a decision dated 18<sup>th</sup> January 2023 in the following terms:

5.1 The Tribunal determined that the following items of the RSEO have been satisfactorily completed:

5.1.1 Repair or replace the front door of the property to render it wind and water tight.

5.1.2 Repair or replace the front windows in the living room and the front bedroom windows of the property (including the sills and frames) to render them wind and water tight.

5.2 In connection with the outstanding items the Tribunal agreed to extend the date for completion of these items to 30<sup>th</sup> April 2023. The outstanding items are:

5.2.1 Repair or replace the rear bedroom windows of the property (including the sills and frames) to render them wind and water tight.

6. The Tribunal issued a Direction to the Landlord dated 28<sup>th</sup> June 2023 requiring the up-to-date valid Gas Safety Certificate to be exhibited to the Tribunal. The required Gas Safety Certificate prepared by Romaio Pappa of Heatingly Limited dated 19<sup>th</sup> January 2023 was exhibited to the Tribunal.

### **7. Re Inspection on 5<sup>th</sup> July 2023.**

The Tribunal attended at the Property at 10.00 am on 5<sup>th</sup> July 2023. The parties were present at the reinspection.

The Tribunal examined the windows in the two rear bedrooms of the Property. They were original double glazed windows in wooden frames. There was evidence of condensation within the sealed glazing units, indicating that these units would no longer perform adequately in cold weather. Trickle vents had been installed above the windows however they did not operate correctly as they had been installed close to the top of the window frames which meant that the air flow was restricted and the switch to open and close the vents could not operate properly. There was evidence of black mould on the window frame in the left hand rear bedroom. The window sill and surround in the right hand bedroom had recently been painted by the Tenant.

A Schedule of photographs taken at the inspection is attached as a Schedule to this Decision.

### **8. Hearing on 5<sup>th</sup> July 2023.**

This case called for a conference call Hearing at 14.00 on 5<sup>th</sup> July 2023. The parties were present.

#### **8.1 Representations.**

In connection with the outstanding requirement of the RSEO the parties advised as follows:

Repair or replace the windows in the rear bedrooms of the property (including the sills and frames) to render them wind and water tight.

The parties acknowledged that trickle vents had been installed above the rear bedroom windows but they did not work well as there was insufficient room to allow the vent to operate correctly and also when the window was opened the vent switch was caught by the window frame which caused it to close.

Mrs Gronbach explained that she hadn't seen the windows since the trickle vents had been installed and she acknowledged that the windows in the two rear bedrooms needed to be replaced.

Miss Broderick advised that she did not wish a Rent Relief Order to be made. She simply wished the repairs to be completed.

## **8.2 Decision**

The Tribunal agreed to extend the date for completion of outstanding item of the RSEO to **15<sup>th</sup> October 2023**. The outstanding item is 'Repair or replace the rear bedroom windows of the property (including the sills and frames) to render them wind and water tight'.

9. The decision of the Tribunal was unanimous.

## **10. Appeals**

**A landlord or tenant 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.**

Chairperson- J Taylor

Date: 5<sup>th</sup> July 2023



## **20 Craigston Drive Dunfermline KY12 0XE**

Inspection and hearing (teleconference) 5/07/23

# 1) Left bedroom window

Trickle ventilator

Window blocks ventilation



## 2) Left bedroom window

Condensation  
inside double  
glazing unit





### 3)Left bedroom window

Mould around window





## 4) Right bedroom window

Trickle ventilator



## 5) Right bedroom window

Condensation  
inside double  
glazing unit



## 6)Right bedroom window

Windowsill painted  
and free of mould

