

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certificate of Completion under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/21/0747

Property at 35 Hoggan Crescent, Dunfermline, KY11 4PU (“The Property”)

The Parties:-

Mrs Orietta Pili, 35 Hoggan Crescent, Dunfermline, KY11 4PU (“the Tenant”)

Mrs Janine Winski, c/o The Morgan Law Partnership, 33 East Port, Dunfermline, KY12 7JE (“the Landlord”)

Subjects: 35 Hoggan Crescent, Dunfermline, KY11 4PU (“the Property”)

Tribunal Members:

Ruth O’Hare (Legal Member)

Angus Anderson (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) certifies that the work required by the **Repairing Standard Enforcement Order** relative to the house made on 26th August 2021 has been completed insofar as reasonably possible. Accordingly the said **Repairing Standard Enforcement Order** relative to the property has been discharged.

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 preceding page are subscribed at Glasgow on 18 October 2022 by Ruth O'Hare, Chairperson of the Tribunal, in the presence of Jordan Devlin, c/o Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT

Signed

R O'Hare

Date

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision under section 24(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/21/0747

Property at 35 Hoggan Crescent, Dunfermline, KY11 4PU (“The Property”)

The Parties:-

Mrs Orietta Pili, 35 Hoggan Crescent, Dunfermline, KY11 4PU (“the Tenant”)

Mrs Janine Winski, c/o The Morgan Law Partnership, 33 East Port, Dunfermline, KY12 7JE (“the Landlord”)

Subjects: 35 Hoggan Crescent, Dunfermline, KY11 4PU (“the Property”)

The Tribunal comprised:-

Mrs Ruth O’Hare - Legal Member
Mr Angus Anderson - Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) unanimously determined that the Landlord had complied with the Repairing Standard duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006

Background

1. Reference is made to the decision of the Tribunal dated 26th August 2021 in terms of which the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) requiring the Landlord to:-
 - (a) Take reasonable steps to investigate the leak in the living room chimney breast and to have said leak repaired;
 - (b) Repair or replace all faulty or leaking windows to ensure they are in a reasonable state of repair and in proper working order; and
 - (c) Repair or replace the living room radiator to ensure it is in a reasonable state of repair and in proper working order.

The Tribunal gave the Landlord a period of eight weeks to complete the works.

2. Following a reinspection which took place on 23 February 2022, and hearing on 28th April 2022, the Tribunal determined to vary the RSEO to allow the Landlord a further period to complete the outstanding works, namely the replacement of the kitchen window.
3. A further reinspection was carried out on 19 August 2022. The Tribunal inspected the kitchen window and noted that it had been replaced. A copy of the reinspection report is attached hereto.
4. The reinspection report was issued to parties for comment. On 6 September 2022 the Landlord's representative responded by email to confirm that the Landlord agreed with the findings of the report. On the same date the Tenant responded to advise that she would wish a hearing to be fixed if the issues with damp and mould within the property could be discussed.

Reasons for Decision

5. In reaching its decision the Tribunal took into account the findings of the reinspection together with the written representations from the parties. The Tribunal noted that the Tenant sought further discussion regarding alleged issues with mould and damp within the property. However, as previously stated, the Tribunal is unable to revisit the terms of its decision dated 26th August 2021 and was therefore restricted to examining those items outstanding in the RSEO which in this case was the replacement of the window. The Tribunal appreciates the frustration this may cause the Tenant however as has previously been pointed out to her a further application could be made to the Tribunal if she is alleging issues of disrepair which fall out with the scope of the RSEO. The Respondent had requested a hearing to discuss issues with damp and mould but for the reasons stated above this would not be within the scope of the present application. On that basis the Tribunal determined that there was no need to hold a hearing at this stage.
6. The Tribunal was satisfied based on the findings of the reinspection that the window had been replaced and therefore that the outstanding works required by the RSEO had been addressed. The Tribunal therefore concluded that the Landlord had complied with the RSEO.
7. The decision of the Tribunal was unanimous.

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.

R O'Hare

Signed

Ruth O'Hare
Legal Member

18 October 2022