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

In an Application under

SECTION 24(1) OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

The Steward's House, Burntisland Golf Club, Dodhead, Kirkcaldy Road, Burntisland KY3 9LQ ("the House")

The Parties:

Robert Hanvey, The Steward's House, Burntisland Golf Club, Dodhead, Kirkcaldy Road, Burntisland KY3 9LQ ("the Tenant")

Burntisland Golf Club, Dodhead, Kirkcaldy Road, Burntisland KY3 9LQ ("the Landlord")

Tribunal Reference number: FTS/HPC/RP/25/4461

Tribunal Members:

John McHugh (Legal Member) and Andrew Taylor (Ordinary (Surveyor) Member)

DECISION

The Applicant's application of 3 September 2026 is refused.

Our decision is unanimous.

REASONS FOR DECISION

In our Decision of 17 August 2026 we decided that the House failed to comply with the repairing standard and we issued a Repairing Standard Enforcement Order in the following terms:

"The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular, the Tribunal requires the Landlord:

1 To carry out redecoration to remove the effects of the historic water ingress.
2 To redecorate the damaged ceiling in the bathroom.
3 To replace the broken bathroom window pane.
4 To repair or replace windows such that all windows are reasonably wind and watertight and capable of being opened, fastened and closed as designed.
5 To fit a flooring threshold bar to secure the kitchen vinyl and the hall carpet.
6 To repair or replace the cooker such that it is fully functioning.
7 To ensure that all kitchen units have plinths fitted.
8 To replace or remedy the bathroom vinyl flooring such that there is an adequate floor covering which meets the bathroom fixtures.
9 To carry out works so that the exit door at the foot of the stairs is capable of being opened from inside without a key in the event of emergency.
10 To render the House reasonably free of moths.

The Tribunal orders that the works specified in this Order must be carried out and completed within 90 days from the date of service of this Notice."

On 3 September 2026, the Applicant submitted a request for review of the Decision under section 43 of the Tribunals (Scotland) Act 2014. He has followed up this request with a number of emails since.

The basis for review includes that the Applicant was taken ill and had to attend hospital on the day of the inspection and hearing with the result that he did not have

the opportunity to make representations which he would like to have made including responding to the representations of the Respondent.

At the inspection, the Property was occupied by the Applicant's friend who was living in the Property. He explained to the situation to the Tribunal. He made telephone contact with the Applicant who advised that he wished the inspection and hearing to continue in his absence with his friend representing him. That is what happened.

In a case of the present type, the focus is upon the condition of the Property to determine whether or not it meets the repairing standard. The principal basis for any decision on this question is the Tribunal's own inspection. While, in some cases, representations by the parties can assist the Tribunal, that does not change the fact that the Tribunal will principally base its conclusions upon its own observations at inspection.

We consider that the Applicant chose that the inspection and hearing should proceed in his unfortunate unplanned absence. In those circumstances, we do not see that it would be appropriate to allow the Applicant to later rely upon his non-attendance as a factor justifying review.

The Tribunal does not consider that in this case the non-attendance of the Applicant made a material difference to the outcome.

The points raised in the application for review and supporting emails are wide ranging. They include representations concerning, and a diary recording, events which the Applicant regards as constituting harassment by the Respondent. That, however, is not relevant to the present Application which is concerned with the condition of the Property.

The Applicant also complains that representations made by the Respondent's representative at the hearing to the effect that roofing works had been undertaken to address water ingress were false and that he would have liked to respond to correct them. The Tribunal gave consideration to the fact that it was agreed that repairs had been carried out, evidence in the form of roofing invoices had been supplied and that no evidence of current water ingress was found on inspection. Therefore, the Tribunal considers that any counter representations by the Applicant would have been very unlikely to produce a different Decision.

The Applicant raises that he does not think the living room window requires to be replaced. Although he complains of water ingress at that location, he believes the likely source to be the roof rather than the window. Again, these representations would not alter the Decision. It is reasonable for the Respondent to attempt to address the concern by replacing the window as it wishes to do.

The Applicant complains that there has been a misrepresentation of the Property by the Respondent's letting agent on the basis that the Tribunal has found that the condition of the bathroom ceiling was likely to have breached the repairing standard at the outset of the tenancy. The question of any such alleged misrepresentation is irrelevant to the current case.

The Applicant complains that the Property's main door at the threshold between the Property and the top of the stairs has a key operated lock and considers that it should have a thumb-turn or similar lock instead. He refers to the Scottish Government Building Standards Technical Handbook. However, that Handbook relates to works being carried out to construct new properties or works to existing properties requiring Building Warrant. It does not create a retrospective obligation on the owners of existing doors to replace the locks. There appears to be a safe method of exit from the door using the key. We therefore regard this argument as without merit.

We therefore refuse the application for review as being totally without merit.

APPEALS

The Decision to refuse the review application is not subject to review or appeal.

Signed …… **Date 26 October 2026**

JOHN M MCHUGH

Chairperson