

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION by the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/21/1969

Property at 16/6 Moncrieff Terrace, Edinburgh, EH9 1NA

Sasine Description: ALL and WHOLE the third house on the first floor, 16 Moncrieff Terrace, Edinburgh described in Disposition to Nora Carragher recorded in the General Register of Sasines for the County of Midlothian on 10 June 1955 ("The Property")

The Parties:-

Mr Toby Humphries and Ms Amy Taylor, 16/6 Moncrieff Terrace, Edinburgh, EH9 1NA ("the Tenants")

**Mrs Rhona Dick, DJ Alexander Lettings Limited, 1-3 Wemyss Place, Edinburgh, EH3 6DH ("the Landlord")
(Represented by Mr Alan Dick and DJ Alexander Lettings Limited)**

**Tribunal Members: Gillian Buchanan (Legal Member)
Mark Andrew (Ordinary Member)**

Background

1. On 6 March 2022, First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") issued a Determination which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the Property.
2. In the RSEO the Tribunal ordered that the works specified be carried out and completed within a period of 6 weeks.
3. Following service of the RSEO the Tribunal received the following written representations:-
 - i. Email dated 25 April 2022 from Mr Urquhart of DJ Alexander Lettings Limited on behalf of the Landlord; and
 - ii. Email dated 12 May 2022 from the Tenants.

4. On 26 May 2022 the Tribunal carried out an inspection of the Property. The Ordinary Member of the Tribunal prepared a Re-inspection Report.
5. Following intimation of the Re-inspection Report the Tribunal received the following further representation:-

Email dated 24 June 2022 from Clare Macrae of DJ Alexander Lettings Limited on behalf of the Landlord.

6. The Tribunal carefully considered the Re-inspection Report and the parties' various representations. Having considered the Tenant's application and made an RSEO, the Tribunal's sole remit is to determine whether the works required in terms of the RSEO have been undertaken such that the Property meets the Repairing Standard. The Tribunal concluded that all the works required in terms of the RSEO had been carried out and determined that the works were complete. In particular:-
 - a) The kitchen worktop opposite the sink has been fixed to its base and sealed with clear silicone around the edges.
 - b) The seals around the sink and sink draining board have been made good with clear silicone seal.
 - c) A leg bracket has been installed to support the draining board and ensure that this runs into the sink.
 - d) The gaps that concerned the Tenants in the kitchen and elsewhere have been sealed.
 - e) The doors to the kitchen, bedroom and bathroom have been repaired so that the doors open and close correctly, the bedroom door panel has been fixed into its frame and the bathroom door locks properly.
 - f) The damp patches in the bedroom and living room have been redecorated.
 - g) The vent pipe has been sealed and does 'pull' air from the bathroom.

Determination

7. The Tribunal having carried out a re-inspection and considered the parties' responses thereto considered that all works required in terms of the RSEO have been carried out and is able to certify that the work has been done.

Accordingly the Tribunal determined to issue a Certificate of Completion in respect of the Property.

Appeal

8. In terms of Section 46 of the Tribunal (Scotland) Act 2014, 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/

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.

Charirperson/Legal Member G. Buchanan

Date 3 October 2022