

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 25(1) and 60 of the Housing (Scotland) Act 2006 (“the Act”)**

**Chamber Ref: FTS/HPC/RP/23/0334**

**Re: Property at 12 Baxter Park Terrace, Ground Right, Dundee, DD4 6NW (“the Property”)**

**Parties:**

**Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee, DD1 3BA (“the Third Party Applicant”)**

**Surinder Sidhu, 6 Muirfield Place, Dundee (“the Landlord”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Mark Andrew (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), with reference to the Repairing Standard Enforcement Order (“RSEO”) dated 9 May 2023, determined that a Certificate of Completion of Works should be issued in terms of Section 60(4) of the 2006 Act.**

**Background**

- 1 By application to the Tribunal, the Third Party Applicant applied to the Tribunal for a determination as to whether the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Act. The application stated that the Third Party Applicant considered the Landlord had failed to comply with their duty to ensure that the house meets the Repairing Standard. In summary the Third Party Applicant submitted that the Landlord had failed to comply with the Repairing Standard as he had failed to provide a Gas Safety Certificate and Electrical Installation Condition Report, a bedroom door did not open and

close properly, a window was broken and two bedroom windows had cages fixed to them with no means of escape.

2 The Tribunal inspected the property on 21 April 2023. Mr Byron Young was present on behalf of the Third Party Applicant. The Landlord was present. The property was untenanted. A hearing took place following the inspection that same day. Mr Young was in attendance. The Landlord did not attend. The Tribunal noted he had been advised of the hearing during the inspection and had received intimation from the Tribunal and therefore determined to proceed in his absence. Following submissions from Mr Young the Tribunal determined to make a Repairing Standard Enforcement Order requiring the Landlord to:-

- (i) Repair the living room window to restore the glazing which is currently cracked; and
- (ii) Remove the cages from the bedroom windows and ensure said windows can fully open and close.

Reference is made to the decision of the Tribunal dated 9 May 2023 in this regard. The Tribunal ordered the Landlord to complete the works within one month of the date of the decision.

3 The Tribunal subsequently contacted the Landlord following the expiry of the period for completion of the works requesting confirmation that the works had been carried out and proof in the form of photographs and documentation. The Landlord did not respond. A reinspection was subsequently assigned for the 3<sup>rd</sup> October 2023.

4 The Tribunal reinspected the property on 3<sup>rd</sup> October 2023. Access was given by a new tenant who was unaware of the reinspection. The Landlord was not present. It was noted that the glazing in the window had been repaired. However the cages on the bedroom windows were still in place. The reinspection report was issued to the parties for comment. No comments were received in response.

5 In terms of its decision dated 7 December 2023 the Tribunal determined that the Landlord had failed to comply with the RSEO and duly ordered that notification be given to both the local authority and Police Scotland. Reference is made to the decision of the Tribunal dated 7 December 2023 in this regard.

6 On 26<sup>th</sup> December 2023 the Landlord emailed the Tribunal to advise that the works required by the RSEO had been completed and provided photographic proof to evidence that the cages had been removed from the bedrooms.

### **Reasons for Decision**

7 The Tribunal considered it had sufficient information to make a determination and it did not require to hold a hearing in the matter. The Landlord had produced photographs to evidence the removal of the cages which satisfied

the Tribunal that the RSEO had been complied with, without the need to undertake any further investigation. The Tribunal therefore determined to issue a certificate of completion.

8 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.**

Signed

Ruth O'Hare  
Legal Member

11 January 2024