

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Statement of Decision under section 26(1) of the Housing (Scotland) Act 2006 as amended (“the Act”)**

**Chamber Ref: FTS/HPC/RT/23/1343**

**Title no: ANGUS 93638**

**First Floor Left, 45 Lyon Street, Dundee DD4 6RA (“The Property”)**

**The Parties:-**

- **Dundee City Council - Private Sector Services, 5 City Square, Floor 3, Dundee DD1 3BA (“The Third Party Applicant”)**
- **Mr Zakir Latif Karim, 13 Luke Place, Broughty Ferry, Dundee DD5 3BN (“the Landlord”)**

**The Tribunal comprised:-**

Ms Gabrielle Miller - Legal Member

Ms Geraldine Wooley - Ordinary Member

1. **The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO**

**Statement of Reasons**

2. Reference is made to the Determination of the Tribunal dated 6<sup>th</sup> December 2023 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal

which required the Landlord to carry out works to ensure that the Property meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
  - a) As a minimum to provide a smoke detector in the hall and a heat detector in the kitchen area to ensure that the house has satisfactory provision for detecting fire and for giving warning in the event of fire or suspected fire. This should be in accordance with the Building Standards Technical Handbook 2020: domestic as issued by the Scottish Government
  - b) To replace and make good the main room/kitchen ceiling to ensure that it is safe.
  - c) To provide to the Tribunal an up-to-date Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT dated after the date of this Order. The report must specifically address the faulty sockets in the main room/kitchen. Any C1 or C2 faults noted in the report must be resolved.
  - d) To repair or place the plaster in bathroom wall and ceiling to ensure that it addresses the damage from the leak from the Property above.
  - e) To provide to the Tribunal an up-to-date Portable Appliance Test certificate for the electrical appliances provided by the landlord, completed by a suitably competent person.
5. The said works were to be carried out and completed within a period of 3 months from the date of the service of the Order.
6. On 14<sup>th</sup> June 2024, the Tribunal carried out an inspection of the Property and noted all of the works had been completed save for the EICR having been completed by an appropriately qualified person as stated in paragraph 3(c) above, the pipes for the boiler had not been boxed in and the carbon monoxide monitor was in an incorrect position. The Landlord agreed to submit information to address this by 21<sup>st</sup> June 2024. The Third Party Applicant had indicated at the hearing on the same date that she would be satisfied with the condition of the Property if these items were addressed. On 19<sup>th</sup> June 2024 the Landlord submitted the EICR which had been completed by an appropriately qualified electrician, he supplied photos evidencing the pipes into the boiler had been boxed in and that the carbon monoxide monitor had

been moved. The Tribunal was satisfied that all the works had been completed.

7. The Ordinary Member's inspection report with her findings is attached to this document and circulated to the Landlord and Third Party Applicant for information purposes.

### **Decision**

8. The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

### **Rights of Appeal**

9. **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.**
10. **In terms of Section 63 of the Act, 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.**

Gaby Miller

Chairing Legal Member of the Tribunal  
Dated: 28<sup>th</sup> June 2024



Housing and Property Chamber  
First-tier Tribunal for Scotland

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# Flat 1/1, 45 Lyon St Dundee DD4 6RA

Inspection and hearing 12/06/24

# 1)Kitchen ceiling



As at 14/06/24



Kitchen ceiling at 19/07/23

Loose plaster has been hacked back, patched with ceiling board and redecorated.

## 2) Damage to plasterwork in other rooms



Cornice in bedroom repainted

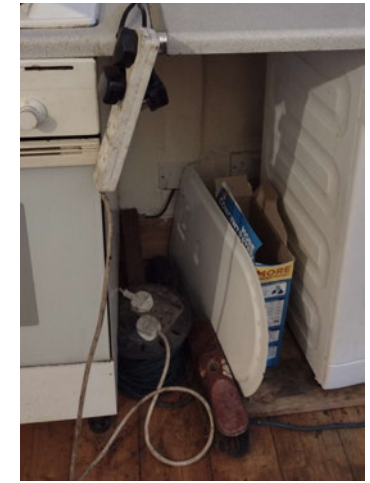


Bathroom wall and ceiling  
replastered and redecorated



As at 17/07/23

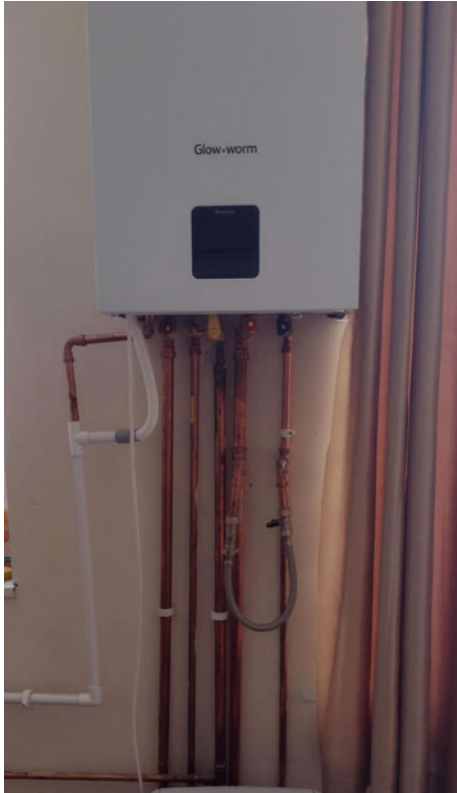
### 3) Electrics



As at 17/07/23

Electric sockets in the kitchen area now in working order with various appliances – kettle, microwave, fridge freezer and washing machine – running from mains circuit

## 4a) Space heating



A new gas fired boiler and radiators have been installed. Landlord agreed to enclose pipework beneath boiler.



As at 19/06/24 – pipework now boxed in



## 4b) CO monitor for boiler

Carbon monoxide monitor correctly placed above window and sufficient distance from new boiler

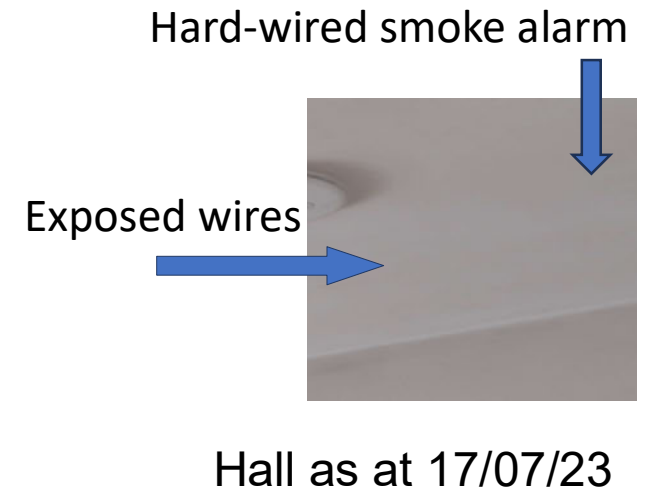


# 5) Fire safety

Hall ceiling

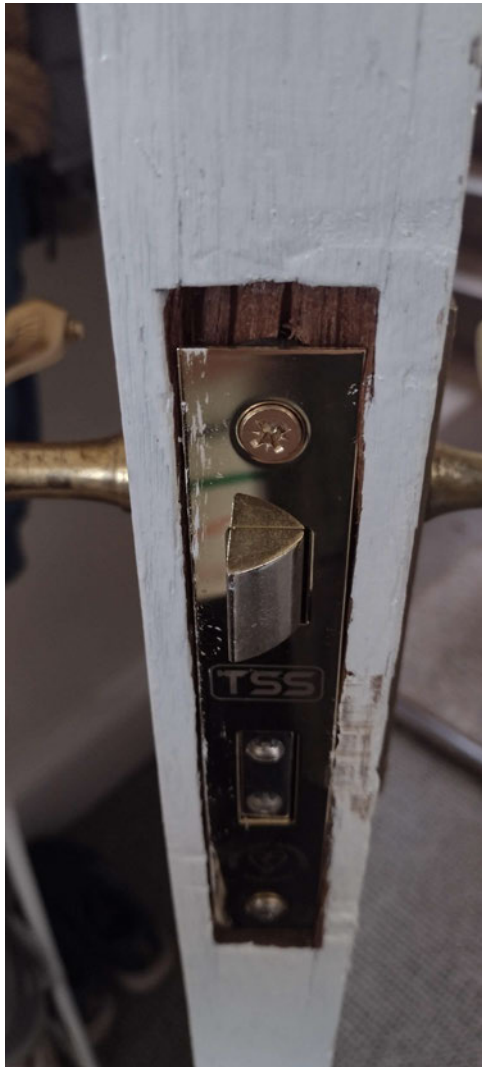


Kitchen living room ceiling

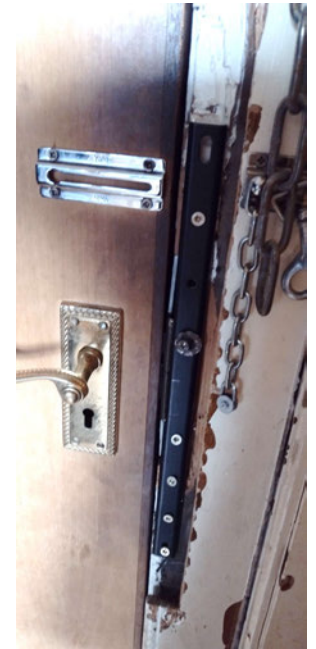


A new inter-connected battery system has been installed with a smoke alarm in the hall and a heat alarm in the kitchen area. The exposed wires in the hall ceiling have been repaired.

## 6) Front door



The front door has been upgraded and a new lock fitted.



As at 17/03/23