

# 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: Housing (Scotland) Act 2006**

**Reference number: FTS/HPC/RP/23/2895**

**Re: Property at 7 Old Schoolhouse Lane, Houston, PA6 7JB (“the Property”)**

**Title Number: REN737600**

**The Parties:**

**Sheila Hickinbottom, residing at 7 Old Schoolhouse Lane, Houston, PA6 7JB  
 (“The applicant”)**

**Thomas Stewart, residing at Welling Farm, Kilallan Road, Houston, PA 6 7HQ, Ms Lorna Carruth, residing at Heathfield, Horsewood Road, Bridge of Weir, PA11 3AU, and Ms Irene Stewart, residing at Upper Side, Temple, Gorebridge, Midlothian  
 (“the Landlord”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)  
 Nick Allan (Surveyor Member)**

**Unanimous Decision of the Tribunal**

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 Property made on 5 April 2024 has been completed. Accordingly, the said Repairing Standard Enforcement Order is discharged.

## **Background**

1. On 5 April 2024 the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) issued a decision requiring the Landlord to comply with the repairing standard enforcement order (“RSEO”) made by the tribunal the same day.
2. The Repairing Standard Enforcement Order (“RSEO”) required the Landlord to
  1. (i) Instruct a suitably qualified damp specialist to prepare a survey report detailing the cause and full extent of the damp affecting the property together with a proposed specification outlining all necessary remedial action.
  - (ii) Submit that report to the Tribunal for further consideration and thereafter carry out all works then required by the Tribunal as are necessary to eradicate the damp from the property to ensure that the property meets the Repairing Standard.
2. Repair or replace all and any defective window seals throughout the property.
3. Repair or replace the broken balustrade surrounding the decking in the rear garden.
4. Provide the Tribunal with a current Gas Safety Certificate.

All within 42 days of service of the RSEO.

## **Reinspection**

3. On 14 August 2024 Tribunal members reinspected the property. A reinspection report was circulated to the parties for their comments. None of the parties offered any further representations.
4. Before the reinspection, the landlord emailed a satisfactory damp specialist report and the current Gas Safety Certificate to the Tribunal.
5. When tribunal members reinspected the property, they found that the landlord had repaired or replace all and any defective window seals throughout the property and repaired the broken balustrade surrounding the decking in the rear garden.
6. During the reinspection, the surveyor member took damp meter readings, all of which were within an acceptable range and indicated that the property is not affected by either rising or penetrating damp.

7. During the reinspection, the surveyor member measured the air quality in the living room. The readings obtained were well within the range of acceptable AQI values.

8. The property has neither penetrating nor rising damp.

### **Compliance**

9. Tribunal members findings at reinspection on 19 August 2024, combined with the documentary evidence provided by the Landlord, leads us to the conclusion that all the work required by the RSEO has been completed.

### **Decision**

10. The tribunal therefore decided to issue a certificate of completion of works in terms of s.60 of the Housing (Scotland) Act 2006.

### **Right of Appeal**

In terms of section 46 of the Tribunals (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 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.

Paul Doyle

Signed  
Legal Member

17 September 2024