



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

**Chamber Ref: FTS/HPC/RT/22/1995**

**Re: Property at 1/1 44 Main Street, Dundee, DD3 7HN ('the tenant')**

**Parties:**

**Mrs Zahida Qadar, 367 Clepington Road, Dundee, DD3 ATD ("the Respondent")**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**In terms of their Decision dated 31<sup>st</sup> March 2023**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondent had failed to comply with the duty imposed by the Repairing Standard Enforcement Order dated 31 March 2023**

**Background**

The Tribunal issued a repairing standard enforcement order dated 31<sup>st</sup> March 2023 in respect of the property requiring the Landlord to (a) instruct an RICS qualified building surveyor to inspect the bathroom and provide the tribunal a report specifying recommended measures to remove and prevent the mould and condensation such as to ensure the interior of the property meets the repairing standard. (b) to repair and replace the front door so as to ensure that it is windtight and meets the repairing standard.

**Inspection and Reinspection Report**

A further inspection of the property took place on 28 February 2024.

As detailed in the report there had been significant improvement work to the bathroom. The door had however not been fixed.

The reinspection report was sent out to Parties for comment.

### **Decision and Reasons**

The Tribunal are satisfied that the following items of the RSEO (item 1) has been completed satisfactorily. However, Item 2 has not been.

Therefore the tribunal, having made such enquiries as is fit to the purposes of determining whether the landlords have complied with the repairing standard enforcement order in relation to the property determine that the said has failed to comply with Item 2 of the RSEO in terms of Section 26 (1) of the Housing (Scotland) Act 2006 and that a notice of failure to be served on the Local Authority in which the property is situated.

Whilst the tenant did not request a rent relief order, the Tribunal proceed to consider whether if a rent relief order should be made.

The decision of the tribunal was unanimous.

### **Right of Appeal**

**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 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.**

M Thorley

20/09/2024

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Legal Member/Chair

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Date