

Housing and Property Chamber
First-tier Tribunal for Scotland



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

**DECISION OF THE TRIBUNAL
UNDER SECTION 26
OF THE HOUSING (SCOTLAND) ACT 2006 ("the Act")**

In connection with

Property at 8 Sandhaven Gardens, Dundee DD5 1RJ (hereinafter referred to as "the House")

The Parties:

Rachel Jones, formerly of 8 Sandhaven Gardens, Dundee DD5 1RJ ("the Tenant")

Zafar Saleem and Mussarat Saleem, 211A Albert Street, Dundee DD4 6QA ("the Landlord")

Reference number: FTS/HPC/RP/23/3390

Tribunal Members:

**John McHugh, Chairperson
David Godfrey, Ordinary (Surveyor) Member**

DECISION

The Tribunal, having carried out a further inspection of the House, determined that the work required by the Repairing Standard Enforcement Order dated 25 March 2024 ("the RSEO") had not been completed.

The decision of the Tribunal was unanimous.

Background

The RSEO required the Landlord to complete the following work within 35 days of service of the RSEO:

- 1 To render the roof watertight so as to prevent water ingress into the House.
- 2 To carry out repairs such that the bedroom is free of damp and mould and to redecorate the bedroom.

Reasons for the Decision

On 23 August 2024, the Tribunal carried out a re-inspection of the House.

At the re-inspection the following was noted:

Damp staining and damaged plasterwork/decoration was still present in the Bedroom and there is no evidence to suggest that the repairs to the roof have been carried out.

The RSEO has not been complied with.

The parties have made no representations in response to the inspection report.

Section 28 of the Act provides that a Landlord who, without reasonable excuse, fails to comply with a Repairing Standard Enforcement Order commits an offence. Accordingly, the Tribunal determined that Police Scotland should be notified of the Landlord's failure to comply with the Order.

Right of Appeal

Section 64 of the Act provides a right of appeal to a party aggrieved by the decision of the Tribunal 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.

John McHugh
Chairperson

Date: 28 October 2024