



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

Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/24/0441

43, Springfield Square, Bishopbriggs, G64 1PU being the subjects registered in the Land Register of Scotland under Title Number GLA180631 (“the Property”)

The Parties:-

Ms Aiyeke Olagboye residing at 43, Springfield Square, Bishopbriggs, G64 1PU (“The former Tenant”)

Raymond Heath, East Dunbartonshire Citizens Advice Bureau (‘The Tenant’s Representative’)

Shalinder Kaur Kamboh residing at 5 Tay Crescent, Bishopbriggs, Glasgow G64 1EU (“The Landlord”)

Martin and Co, 172 Woodlands Road, Glasgow, G3 6LL (‘The Landlord’s Representative’)

Ms S Wooley, Bannatyne, Kirkwood France and Co, Solicitors (‘The Landlord’s solicitor’)

Tribunal Members:

Jacqui Taylor (Chairperson) and Carol Jones (Ordinary Member)

1. Background

The Tribunal issued a Repairing Standard Enforcement Order dated 11th December 2024 in the following terms:

‘The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Tribunal requires the Landlord to:

(i) Continue to assist the tenant to monitor the levels of humidity within the property and provide a record of Hygrometer readings to the Tribunal for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard.

(ii) Carry out further investigations into the possible causes of condensation and damp in the walls in the property and the floor of the front bedroom, including the possibility of the cavity wall insulation contributing to the dampness/ condensation and provide a report to the Tribunal prepared by a specialist contractor on these matters for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard.

(iii) Carry out works to ensure the underfloor vents to the rear of the property are in a reasonable state of repair and situated above ground level.

The Tribunal orders that these works must be carried out and completed by 28th February 2025.'

2. The Tenant's Representative sent the Tribunal an email dated 16th December 2024 which advised that the former Tenant had vacated the Property on 30th November 2024.

3. As the former Tenant has vacated the Property the Tribunal consider that it is appropriate to vary the Repairing Standard Enforcement Order in terms of section 26 of the Housing Scotland Act 2006.

4. The Tribunal vary the Repairing Standard Enforcement Order as follows:

(i) Paragraph one of the RSEO is deleted.

(ii) Paragraph two of the RSEO is varied to clarify that a specialist contractor could be a building surveyor and if the dampness and condensation has been removed from the Property the Landlord can provide evidence of this.

5. The varied RSEO is in the following terms.

'The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Tribunal requires the Landlord to:

(ONE) Carry out further investigations into the possible causes of condensation and damp in the walls in the property and the floor of the front bedroom, including the possibility of the cavity wall insulation contributing to the dampness/ condensation and provide a report to the Tribunal prepared by a

specialist contractor or building surveyor on these matters for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard.

Alternatively, in the event that the condensation and damp in the walls in the Property and the floor of the front bedroom have been removed provide a report to the Tribunal prepared by a specialist contractor or building surveyor confirming this.

(TWO) Carry out works to ensure the underfloor vents to the rear of the property are in a reasonable state of repair and situated above ground level.

The Tribunal orders that these works must be carried out and completed by 28th February 2025.'

6. The decision of the Tribunal was unanimous.

7. 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.

J Taylor

Signed

Legal Member

Date: 20th December 2024