



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26(1) of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/23/3795**

**Re: Property at 75 Urquhart Road, 2<sup>nd</sup> Floor Left, Aberdeen, AB24 5ND (“the Property”)**

**Parties:**

**Sheila Simpson Tindal, c/o Aberdein Considine, 5/9 Bon Accord Crescent, Aberdeen, AB11 6DN (“the Landlord”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Angus Anderson (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Landlord had complied with the Repairing Standard Enforcement Order dated 27 May 2024. The Tribunal accordingly issued a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).**

**Background**

- 1 By application to the Tribunal, Mrs Malgorzata Kulinska (“the former Tenant”) sought an order against the Landlord on the basis that they had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.
- 2 On 29 February 2024 the Tribunal received an email from the former Tenant advising that the tenancy had ended on 28 February 2024 and she had moved out of the property. In light of the issues complained of and the potential risk to future occupants the Tribunal determined to continue with the application.
- 3 On 27 May 2024 the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) requiring the Landlord to:-

- (i) Carry out such works as may be necessary to identify the cause of water ingress to the lounge and front bedroom, and to ensure that the property is wind and watertight; and
  - (ii) Repair or renew the damp-damaged plasterwork, internal linings and decorations within the lounge and front bedroom.
- 4 The Tribunal ordered that the works specified in the RSEO be carried out and completed within a period of six months from the date of service of the RSEO on the Landlord. Reference is made to the decision of the Tribunal dated 27 May 2024 in this regard.
- 5 On 4 November 2024 the Landlord's representative Aberdeen Considine submitted a survey report from Aberdeen Property Preservation Ltd with recommendations for works to address the water ingress, invoices from Dualcoat Ltd confirming that the recommended works had been carried out, and photographs of the property.

### **Reasons for decision**

- 6 The Tribunal was satisfied that it had sufficient information upon which to reach a decision on the application. Based on the documentary evidence provided by the Landlord, the Tribunal was satisfied that the necessary works had been completed to address the water ingress to the lounge and front bedroom and on that basis there was no need to undertake a further inspection of the property. Whilst there was still internal decoration to be completed, the Tribunal considered this to be *de minimis*. The Landlord had complied with the substantive requirements of the RSEO at significant cost and the Tribunal was therefore satisfied that it could issue a certificate of completion.
- 7 Accordingly, the Tribunal determined under section 26(1) of the 2006 Act that the Landlord had complied with the RSEO dated 27 May 2024 and determined to issue a certificate of completion under section 60 of the said Act.
- 8 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.**

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or 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 determined.

R O'Hare

~~Legal Member/Chair~~

**Date 11 December 2024**