



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

Decision with Statement of Reasons under Section 25 of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RP/24/1044

Re: Property at 15E Powis Crescent, Aberdeen, AB24 3YS (“the Property”)

Title Number: ABN3415

The Parties:

Miss Meriem Idir, formerly residing at 15E Powis Crescent, Aberdeen, AB24 3YS (“The applicant”)

Hassan Khajeh Hosseini, Ali Khajeh-Hosseini, and Tahereh Majidi, formerly residing at 3 Sunbury Mews, Edinburgh, EH4 3BX and now at 4/7 Millar Place, Edinburgh, EH10 5HJ (“the Landlord”)

Tribunal Members:

Paul Doyle (Legal Member)

Robert Buchan (Surveyor Member)

Unanimous Decision of the Tribunal

The First-tier Tribunal for Scotland (Housing and Property Chamber) unanimously determined to vary the Repairing Standard Enforcement Order (“RSEO”) by extending the period of completion of the works until 1 March 2025

Background

(1) On 12 August 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 following an inspection and hearing on 6 August 2024. The tribunal reinspected the property on 9 December 2024.

(2) The Repairing Standard Enforcement Order (“RSEO”) required the Landlord to

Replace all windows (internal and external) in the property.

All within 42 days.

Re-inspection

(3) On 9 December 2024 tribunal members reinspected the property. During the inspection, the surveyor member took photographs, which form part of the reinspection report.

(4) On reinspection, tribunal members found that the windows have not been replaced.

(5) Following the inspection, the surveyor member’s inspection report (dated 9 December 2024) was sent to the Landlords.

(6) On 13 December 2024, the landlords responded by acknowledging that the RSEO had not been complied with. They had relied on incorrect advice. The landlords apologise and say they have instructed the replacement of the windows. The work should be completed within 7 weeks.

(7) A further reinspection will be necessary. If all windows (internal and external) are replaced before that reinspection, then the tribunal might be able to issue a certificate of completion.

Reasons for decision

(8) The tenancy ended before the RSEO was issued. No purpose will be served by making a rent restriction order.

(9) Section 25 (1) of the Act says

*“The First-tier Tribunal which made a repairing standard enforcement order may, at any time
(a) vary the order in such manner as they consider reasonable, or
(b) where they consider that the work required by the order is no longer necessary, revoke it.”*

(10) The Landlords have instructed the work required by the RSEO. It is likely that the work will be completed in 7 weeks. In the meantime, the property is unoccupied.

(11) Extending the time for the works to be carried out will enable the Landlords to

comply with the RSEO. No purpose is served in taking any other course of action.

(12) The Tribunal therefore determined to vary the RSEO to extend the period of time for completion of the works until 1 March 2025. The decision of the Tribunal was unanimous.

Right of Appeal

(13) 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.

(14) 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.

Signed **Paul Doyle**
Legal Member

6 January 2025



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 26

Reference number: FTS/HPC/RP/24/1044

Re: Property at 15E Powis Crescent, Aberdeen, AB24 3YS (“the Property”)

Title Number: ABN3415

The Parties:

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Hassan Khajeh Hosseini, Ali Khajeh-Hosseini, and Tahereh Majidi, formerly residing at 3 Sunbury Mews, Edinburgh, EH4 3BX and now at 4/7 Millar Place, Edinburgh, EH10 5HJ (“the Landlord”)

Tribunal Members:

Paul Doyle (Legal Member)

Robert Buchan (Surveyor Member)

Unanimous Decision of the Tribunal

The First-tier Tribunal for Scotland (Housing and Property Chamber (“the Tribunal”) having determined on 20 December 2024 that the Repairing Standard Enforcement Order made on 12 August 2024 should be varied, the said Repairing Standard Enforcement Order is hereby varied as follows:-

(i) The period of time for carrying out the works is extended to 1 March 2025.

Section 25(3) applies in this case.

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 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

Legal Member

6 January 2025