



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 26(1) and 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/23/3749

Re: Property at 2B Menzies Road, Aberdeen, AB11 9BA (“the Property”)

Parties:

Arran Davidson, c/o DJ Alexander, Neo House, Riverside Drive, Aberdeen, AB11 7DG (“the Landlord”); and

Mr John Harrington, 2B Menzies Road, Aberdeen, AB11 9BA (“the Tenant”)

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 has complied with the repairing standard enforcement order (“RSEO”) made by the Tribunal on 31st March 2024. The Tribunal therefore determined to issue a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Background

- 1** By application to the Tribunal, the Tenant sought an RSEO against the Landlord on the basis that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.
- 2** The Tribunal inspected the property on 5th March 2024 which was followed by a hearing in the Employment Tribunals Centre in Aberdeen. The Applicant was in attendance with his mother and the Landlord was represented by Samantha Bell of DJ Alexander. The Tribunal thereafter determined to make a repairing standard enforcement order requiring the Landlord to:-

- (i) Carry out such works as are necessary to the exterior of the property to render the property wind and watertight; and
- (ii) Repair any water damage in the front bedroom and carry out internal redecoration following the completion of the works at (i).

Reference is made to the decision of the Tribunal dated 31st March 2024, which sets out in full the reasons for the decision.

- 3 The Tribunal re-inspected the property on 23 August 2024. Whilst the Tribunal had concerns about the length of time the Landlord had taken to address the repairs outlined in the application, the Tribunal was ultimately satisfied that the Landlord had made satisfactory progress in complying with the RSEO. Only the internal redecoration remained outstanding. The Tribunal therefore concluded that it would be reasonable to vary the RSEO to extend the period for completion of the works by four weeks. Reference is made to the decision of the Tribunal dated 12 September 2024 in this regard.

The Re-inspection

- 4 The Tribunal re-inspected the property on 29 January 2025. The Tenant was present. Ms Bell from DJ Alexander represented the Landlord.
- 5 The Tribunal proceeded to inspect the property. Internally the Tribunal observed that the soffit of the bedroom window lintel had been repaired and plastered. The decoration remained outstanding. It was not apparent what external works had been undertaken to the building from a ground level inspection of the building.
- 6 Photographs were taken during the re-inspection and a report was issued to the parties. On 31 January 2024 the Tribunal received written representations from the Tenant confirming that the decorative works had been completed in the window area, however the painter had recommended that the entire room be repainted for it to match. The Tenant provided photographs of the bedroom. On 3 February 2025 and 10 February 2025 the Tribunal received written representations from Ms Bell on behalf of the Landlord confirming that the internal decoration had been completed. Ms Bell provided a copy of the invoice pertaining to the works. Both parties confirmed their agreement with the re-inspection report and neither requested a hearing.

Reasons for decision

- 7 The Tribunal was satisfied that it had sufficient information upon which to reach a decision on the application and that it could do so under Rule 18 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 in the absence of a hearing. The Tribunal was satisfied that the Landlord had now complied with the RSEO based on the findings from the re-inspection and the written representations from the parties. Whilst the Tenant had noted the painter had recommended repainting the whole room, in

the view of the Tribunal the decorative works that the Landlord had arranged were sufficient to comply with the requirements of the RSEO.

- 8 On that basis the Tribunal concluded that the Landlord had complied with the duties in terms of the Repairing Standard and determined to issue a certificate of completion.
- 9 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 19 February 2025