



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/24/1044

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

Parties:

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:

Ruth O’Hare (Legal Member) and Robert Buchan (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 12 August 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 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 RSEO made by the tribunal following an inspection and hearing of the property on 6 August 2024. The RSEO required the Landlord to replace all windows (internal and external) in the property within 42 days.**
- 2 The tribunal re-inspected the property on 9 December 2024 and found that the windows had not been replaced. The Landlord acknowledged this in their written response to the re-inspection report. They apologised and explained that they had received incorrect advice. They intended to complete the work within seven weeks.**

The Re-inspection

- 1 The tribunal re-inspected the property on 28 February 2025. The Landlords were represented by an employee from Martin and Co. The tribunal found that all of the windows, both internal and external, had been replaced and testing confirmed them to be in proper working order. Photographs were taken during the re-inspection and a schedule is appended to this decision.

Reasons for decision

- 2 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 in that all of the windows had been replaced in accordance with the terms of the RSEO.
- 3 The tribunal therefore concluded that the Landlord had complied with the duties in terms of the Repairing Standard and determined to issue a certificate of completion under section 60 of the 2006 Act.
- 4 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 6 March 2025

Photographs taken during the 2nd re- inspection of 15E Powis Crescent, Aberdeen, AB24 3YS
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Front



Bedroom1

Photographs taken during the 2nd re-inspection of 15E Powis Crescent, Aberdeen, AB24 3YS
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Bedroom 2



Bedroom 3

Photographs taken during the 2nd re-inspection of 15E Powis Crescent, Aberdeen, AB24 3YS
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Bathroom



Kitchen

Photographs taken during the 2nd re-inspection of 15E Powis Crescent, Aberdeen, AB24 3YS
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Living-room



Utility