

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

Chamber Ref: FTS/HPC/RP/24/0778

Property at 14 Thurso Crescent, Dundee, DD2 4AY ("the Property")

Land Register Number: ANG14634

The Parties:-

Miss Carol Thomson, 14 Thurso Crescent, Dundee, DD2 4AY
("the Former Tenant")

Mr Alan Doyle and Mrs Sharon Doyle, 19 Priorland, Glencarse, Perth, PH2 7UQ
("the Landlords")

Tribunal Members:

Gillian Buchanan (Chair) and Greig Adams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), with reference to the Repairing Standard Enforcement Order ("RSEO") dated 24 October 2024 and having considered the outcome of the Tribunal's subsequent further enquiries in this regard, the Tribunal determined that a Certificate of Completion of Works should be issued in terms of Section 60(4) of the 2006 Act.

Background

1. Reference is made to the determination of the tribunal dated 24 October 2024 which determined that the Landlords had failed to comply with the duty imposed by Section 14(1)(b) of the Act in that it they had failed to ensure that the Property met the repairing standard. The works required by the RSEO were: -
 - a. To instruct a reputable contractor to carry out all works necessary to repair or replace those water damaged parts of the bathroom, lounge and hallway of the Property to include all ancillary electrical and plumbing works to ensure that the Property is reasonably fit for human habitation, the installations in the house for the supply of

water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and that any fixtures and fittings are in a reasonable state of repair and in proper working order.

- b. To carry out any and all making good and decoration associated with the foregoing works.
- c. (i) Engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection and report on the safety, suitability and effectiveness of the gas installations within the Property.

(ii) Follow the recommendations of the report referred to in paragraph (a)(i) above to ensure that the boiler is safe and in proper working order.

(iii) To produce to the tribunal a valid Gas Safety Certificate.

The RSEO gave the Landlords 3 months to carry out the works.

2. By email dated 14 November 2024 the Landlords' representative, Mr Avey Mohammed of A&S Properties, advised that *"....all works are now complete. The property is now fully habitable and complies with the required standards...."*.

Re-inspection

3. On 22 January 2025 the tribunal re-inspected the Property. The First Named Landlord was present and gave access. He was accompanied by Mr Avey Mohammed.
4. The re-inspection revealed that the Landlords had carried out isolated repair works to the water damaged areas such as patch repair of the ceiling to the rear corner of the Living Room, replacement of the damaged laminate floor covering etc.
5. Qualitative moisture meter profiling was undertaken within the Living Room and Bathroom and readings were found to be acceptable whilst adopting thermal imaging there were no obvious areas of thermal anomalies relating to water retention evident. Fabric repair works undertaken were considered to be acceptable in scope.
6. Redecoration works had been progressed by the Landlords and any previous visual water damage to decoration has been attended to.
7. A Gas Safety Certificate prepared by APS Dundee Limited dated 2 December 2024 was made available to the Tribunal for review. The Gas Safety Certificate was found to be satisfactory with the gas installations considered to be in a safe and proper working order.
8. The Re-inspection Report is attached hereto.

Reasons for Decision

9. In terms of Section 26(1) of the Act it is for the tribunal to decide whether a landlord has complied with an RSEO.
10. Subsequent to the Re-inspection the tribunal considered whether the Landlords had complied with the RSEO.
11. The tribunal determined that the Landlords had complied with the RSEO.

Decision

12. The Tribunal therefore determined to issue a Certificate of Completion.

13. The decision of the tribunal was unanimous.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

G Buchanan Legal Member
Date 18 March 2025