

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/24/2055**

**Re: Property at 94 Bedford Place, Aberdeen, AB24 3NX ("the Property")**

**Parties:**

**William Harvey and Veronica Harvey, Burnview, Old Ballater Road, Aboyne, AB34 5HN ("the Landlord")**

**Winchesters Lettings Limited, 7 Albert Street, Aberdeen, AB25 1XX ("the Landlord's representative")**

**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 11 October 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 11 October 2024 the Tribunal made an RSEO in respect of the property requiring the Landlord to:-
  - (i) Investigate the source of the damp in the two bedrooms and carry out such remedial works as are necessary to ensure the property is wind and watertight; and
  - (ii) Carry out repairs to, or renewals of damp internal linings, followed by internal decoration where necessary following the completion of the works at (i).

- 2 The RSEO required the Landlord to complete the works within one month. Reference is made to the decision of the Tribunal dated 11 October 2024 in this regard.
- 3 On 4 November 2024 the Landlord's representative, Winchester Lettings, submitted a report to the Tribunal dated 1 November 2024 from McKay Preservation, which confirmed dampness to both bedrooms, with the suggested likely cause being faulty chimney detail and rubble build up. The report described remedial works to both bedrooms and provided a quote for internal works. On 19 December 2024, the Tribunal received a further email from the Landlord's representative with an invoice from McKay Preservation confirming completion of the remedial works.
- 4 On 10<sup>th</sup> February 2025 the Landlord's representative emailed the Tribunal with transcribed comments from the Garage Roof Company and photographs of the roof.
- 5 On 21 February 2025 the Landlord's representative emailed the Tribunal with an invoice for internal redecoration.

### **The Re-inspection**

- 6 The Tribunal re-inspected the property on 24 February 2025. The Landlord was represented by Mr Minchin and Mr Takacs of Winchester Lettings.
- 7 The Tribunal inspected the two bedrooms. The plasterboard linings were tested with a moisture meter. The Tribunal observed normal readings of below 20% in both rooms. The bedrooms appeared to have been recently painted however the skirting boards were missing. Externally the cement flashing at the junction of the chimney and slates at the rear roof slope had been recently replaced.
- 8 On 18 March 2025 the Tribunal received an email from Winchester Lettings with photographs of replacement skirting boards in both bedrooms.

### **Reasons for Decision**

- 9 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 documents submitted by the Landlord's representative.
- 10 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.
- 11 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

28 March 2025

**Date**