



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 ("the 2006 Act")

Chamber Ref: FTS/HPC/RP/23/3241

Re: Property at 3 Alma Terrace, Laurencekirk, AB30 1FL ("the Property")

Parties:

Marjorie Stewart, 4 Garvocklea Gardens, Laurencekirk, AB30 1BG ("the Landlord")

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 8 April 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 8 April 2024 the Tribunal made a repairing standard enforcement order ("RSEO") under section 24 of the 2006 Act requiring the Landlord to:-
 - (i) Instruct a damp and condensation specialist, but not the specialist who attended previously, to investigate the damp and mould within the property and produce said report to the Tribunal for further consideration. The said damp and condensation specialist should be provided with a copy of the Tribunal's decision for reference;
 - (ii) Instruct a drain specialist, but not the specialist who attended previously, to clear the blocked drain and further, to inspect the drains pertaining to the property and produce said report to the Tribunal for further consideration; and

- (iii) Instruct a roofing contractor to inspect the roofs and chimneys and carry out such repairs as are necessary to ensure the property is wind and watertight. The said roofing contractor should be provided with a copy of the Tribunal's decision for reference

The Tribunal ordered that the works specified in the RSEO be carried out and completed within a period of eight weeks. Reference is made to the decision of the Tribunal dated 8th April 2024 in this regard.

- 2 On 24th September 2024 the Tribunal determined to vary the RSEO to extend the period for completion of said works by six months, and to require the Landlord to:-
 - (i) To instruct the Landlord to arrange for a roofing specialist to inspect the roof over the utility room/sun lounge and carry out any works necessary to ensure that it is wind and watertight;
 - (ii) To instruct the Landlord to arrange for a drainage specialist to carry out such works as are necessary to ensure that the drains are in proper working order;
 - (iii) To instruct the Landlord to carry out such works as are necessary to address the condensation and mould in the property; and
 - (iv) To extend the period of time for carrying out the works by a period of six months.
- 3 On 28 October 2024 the Tribunal received an email from Mrs Catriona Truscott and Ms Deirdre Latimer, the Landlord's representatives. They advised that an eviction order had been granted by the Tribunal in respect of the property, with execution of said order suspended until 20th January 2025. They advised that the works required under the RSEO could not be fully completed until they had vacant possession. On that basis they sought an extension of the period for completion of the works. The tenant, Julie May, confirmed in writing that she was agreeable to the extension. The Tribunal therefore determined to vary the RSEO to extend the period of time for completion of the works until 31 May 2025. Reference is made to the decision of the Tribunal dated 29 November 2024 in this regard.
- 4 On 17 March 2025 the Tribunal received an email from Mrs Truscott and Ms Latimer confirming that the works required by the RSEO had been completed. They provided evidence in the form of an invoice from Stork Roofing dated 23 October 2024, completion report and invoice from No.1 Drains Aberdeen Ltd, and invoice from Aberdeen Property Preservation Ltd.
- 5 On 24 March 2025 the Tribunal received an email from the tenant, Julie May, confirming that she had left the property on 6 January 2025.

Reasons for Decision

- 6 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 documentary evidence submitted by the Landlord's representative, which had been carefully considered by the Tribunal.
- 7 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.
- 8 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 16 April 2025