

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/24/0441**

**43, Springfield Square, Bishopbriggs, G64 1PU being the subjects registered in the Land Register of Scotland under Title Number GLA180631("the Property")**

**The Parties:-**

**Ms Aiyeke Olagboye residing at 43, Springfield Square, Bishopbriggs, G64 1PU ("The former Tenant")**

**Raymond Heath, East Dunbartonshire Citizens Advice Bureau ('The Tenant's Representative')**

**Shalinder Kaur Kamboh residing at 5 Tay Crescent, Bishopbriggs, Glasgow G64 1EU ("The Landlord")**

**Martin and Co, 172 Woodlands Road, Glasgow, G3 6LL ('The Landlord's Representative')**

**Ms S Wooley, Bannatyne, Kirkwood France and Co, Solicitors ('The Landlord's solicitor')**

**Tribunal Members:**

**Jacqui Taylor (Chairperson) and Carol Jones (Ordinary Member)**

#### **1. The Repairing Standard Enforcement Order.**

The Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property dated 11<sup>th</sup> December 2024 which they subsequently varied in terms of their decision dated 20<sup>th</sup> December 2024. The varied RSEO was in the following terms:

*'The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.'*

*In particular the Tribunal requires the Landlord to:*

*(ONE) Carry out further investigations into the possible causes of condensation and damp in the walls in the property and the floor of the front bedroom, including the possibility of the cavity wall insulation contributing to the dampness/ condensation and provide a report to the Tribunal prepared by a specialist contractor or building surveyor on these matters for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard.*

*Alternatively, in the event that the condensation and damp in the walls in the Property and the floor of the front bedroom have been removed provide a report to the Tribunal prepared by a specialist contractor or building surveyor confirming this.*

*(TWO) Carry out works to ensure the underfloor vents to the rear of the property are in a reasonable state of repair and situated above ground level.*

*The Tribunal orders that these works must be carried out and completed by 28<sup>th</sup> February 2025.'*

## **2. Report on Dampness and Condensation.**

The Landlord's Representative sent the Tribunal a copy of the report by Allied Surveyors dated 24<sup>th</sup> February 2025. The report concluded that it was likely that the previous tenants were the cause of the damp, condensation and mould in the Property as they found readings within all rooms to be within acceptable tolerances.

## **3.Re Inspection.**

The Tribunal attended at the Property on 26<sup>th</sup> March 2025. The Landlord was present at the re-inspection. The Tenant had vacated the Property. The Landlord's Representative was sent a copy of the Re-inspection report on 8<sup>th</sup> April 2025. The re-inspection report is attached hereto and referred to for its terms.

## **4. Additional works carried out to the Property.**

The Landlord's Representative sent the Tribunal photographs showing external air vents having been moved to a higher position on the external wall. They also provided an invoice from K and J Home Maintenance Limited dated 15<sup>th</sup> April 2025 for removing and reinstalling the air vents.

## **5. Application to Vary the RSEO.**

The Landlord's Solicitor sent the Tribunal an email dated 17<sup>th</sup> April 2025 and attached an application to vary the RSEO. The application was in the following terms:

*'The Respondent seeks a variation of the Repairing Standard Enforcement Order dated 11 December 2024 as varied by the First-tier Tribunal by decision dated 20*

December 2024 (the RSEO). The Respondent requests that the RSEO be varied to extend the deadline for the completion of works.

1) The RSEO is written in the following terms: The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good. In particular the Tribunal requires the Landlord to: (ONE) Carry out further investigations into the possible causes of condensation and damp in the walls in the property and the floor of the front bedroom, including the possibility of the cavity wall insulation contributing to the dampness/condensation and provide a report to the Tribunal prepared by a specialist contractor or building surveyor on these matters for further consideration by the Tribunal. Thereafter, carry out all works which are then further determined by the Tribunal as are necessary to ensure the property meets the repairing standard. Alternatively, in the event that the condensation and damp in the walls in the Property and the floor of the front bedroom have been removed provide a report to the Tribunal prepared by a specialist contractor or building surveyor confirming this. (TWO) Carry out works to ensure the underfloor vents to the rear of the property are in a reasonable state of repair and situated above ground level. The Tribunal orders that these works must be carried out and completed by 28th February 2025. 2) The Respondent submitted an earlier application to vary the RSEO on 27 February 2025. The Respondent sought for the deadline to comply of 28 February 2025 in the RSEO to be extended for two weeks. The Tribunal has not yet indicated whether this variation has been allowed. 3) The Respondent seeks a further variation of the RSEO to change the deadline to comply to 15 April 2025. The Respondent has carried out further works to the external vents at the rear of the Property. These works involved raising the external vents above ground level. These works were carried out subsequent to the Tribunal's re-inspection of the Property on 28 March 2025. An invoice from K&J Home Maintenance Ltd dated 15 April 2025 and photos of the new vents are produced. The Respondent asks that these items be taken into consideration by the Tribunal when looking at any further procedure. The Respondent is amenable to a further inspection of the Property taking place should the Tribunal deem this necessary.'

## **6. Decision**

1.1. The Tribunal considered the terms of the report by Allied Surveyors dated 24<sup>th</sup> February 2025 that had been produced. Following their consideration of that report and their re-inspection of the Property on 26<sup>th</sup> March 2025 they determined, using the test of a balance of probabilities, it was likely that the dampness in the property was due to condensation. The Tribunal was satisfied that the extensive works carried out by the landlord had made a significant difference and the dampness levels in the Property had reduced and were now at a reasonable level.

1.2. The Tribunal accepted that the photographs of the external air vents are sufficient evidence that the underfloor vents to the rear of the property are now in a reasonable state of repair and situated above ground level.

1.3. The Tribunal determined that the varied RSEO has been complied with.

6.4 The decision of the Tribunal was unanimous.

## **7. Appeals**

**A landlord, tenant or third party applicant 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 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.**

# J Taylor