

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), 27(4) and 60 of the
Housing (Scotland) Act 2006**

Chamber Ref: FTS/HPC/RP/21/0596

Re: Property at 207 Hilton Drive, Aberdeen, AB24 4ND (“the Property”)

Parties:

**Mr Manu Mathew Mattamana, c/o Capital Letters Property Management,
Springfield Property, Laurelhill Business Park, Stirling, FK8 2LJ (“the
Landlord”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and David Godfrey (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Landlord had complied with the Repairing Standard Enforcement Order relative to the house dated 22 October 2021 and issued a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).

The Tribunal further determined to revoke the rent relief order made on 12 May 2022 in terms of section 27(4) of the 2006 Act.

Background

- 1 By decision dated 22 October 2021, the Tribunal determined that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the 2006 Act and made a RSEO in respect of the property requiring the Landlord to:-
 - (i) Install externally vented extractor fans in the kitchen and bathroom of the property. The bathroom fan should be linked to the light switch with appropriate time delay incorporated such that the fan will continue to run for a reasonable period after the light has been switched off.
 - (ii) Investigate suitable options to improve the thermal efficiency of the external walls and undertake such works as are necessary to ensure that

the property meets the repairing standard and that any damage caused by the carrying out of any work in terms of the order is made good.

- 2 The RSEO required the Landlord to complete the works within twelve weeks from the date of service of the RSEO. Reference is made to the decision of the Tribunal dated 22 October 2021 in this regard.
- 3 A re-inspection of the property took place on 25 February 2022. The Tribunal issued a report detailing the findings of the re-inspection to the parties for comment. The Landlord's representative, Mr Steven Strachan of Capital Letters Property Management, responded and requested a hearing. A Direction was issued to the Landlord on 31st March 2022 requiring him to submit all documentation on which he intended to rely at the hearing by 2 May 2022. The Tribunal did not receive a response from the Landlord and there was no attendance on his behalf at the hearing, which took place by teleconference on 12 May 2022.
- 4 By decision dated 12 May 2022 the Tribunal determined that the Landlord had failed to comply with the RSEO in terms of section 26(1) of the 2006 Act, having concluded that the Landlord had been given sufficient time to carry out the works. The Tribunal considered that it was unlikely that the work required by part (ii) of the RSEO had been carried out by the Landlord, noting his failure to comply with the direction. Having determined that the Landlord had failed to comply with the RSEO, the Tribunal made a rent relief order reducing the rent payable under the tenancy by 40% until the RSEO was complied with.
- 5 Following a request by the Landlord's representative, the Tribunal re-inspected the property on 26 February 2025. By decision dated 7 April 2025 the Tribunal determined to vary the RSEO as follows:-
 - (i) To require the Landlord to instruct a damp and condensation specialist to inspect all rooms in the property, submit the specialist's report to the Tribunal for further consideration, and thereafter carry out any necessary works as directed by the Tribunal;
 - (ii) To require the Landlord to provide evidence that the kitchen extractor fan is vented externally;and
 - (iii) To extend the period for carrying out the works at (i) and (ii) by a period of one month.
- 6 On 27 May 2025 the Tribunal received an email from the Landlord's representative with a survey report dated 21 May 2025 by Richardson and Starling, and photographs of the loft of the property.
- 7 The Tribunal held a hearing on 27 May 2025 by teleconference. Mr Steven Strachan represented the Landlord. The Tribunal heard submissions from Mr

Strachan. The following is a summary of the key elements of the submissions and does not constitute a verbatim account of the hearing.

- 8 Mr Strachan outlined the history of the case and the works that the Landlord had carried out to the property, including the installation of mechanical fans and insulation in response to the RSEO. He referenced the photographs he had submitted earlier that day, which showed both the kitchen and bathroom extractor fans vented through the roof of the property. He confirmed that the Landlord had instructed a damp and condensation specialist to inspect the property. The specialist's report had concluded that the primary cause of condensation in the property was the tenant's behaviour. Mr Strachan pointed to the report's findings of closed trickle vents and clothes drying internally. The Landlord's position was that the works required by the RSEO were now complete insofar as possible.

Reasons for Decision

- 9 The Tribunal was satisfied based on the findings from the re-inspection, the Landlord's written representations, and the submissions from Mr Strachan at the hearing that the works required by the RSEO have now been completed insofar as possible. The Tribunal's primary concern regarding this case was the condensation present in the property at the time of the most recent re-inspection. The specialist report produced by the Landlord confirms that the excess moisture is a result of the tenant's use of the property, and does not identify any fundamental defect in the structure or fabric of the building. The Landlord had also provided photographs to evidence that both the kitchen and bathroom fans are now vented externally. The Tribunal did not therefore consider it necessary to carry out any further inspections of the property as it was able to satisfy itself based on the evidence before it.
- 10 The Tribunal therefore determined to issue a certificate of completion under section 60(4) of the Act and to revoke the rent relief order made by the Tribunal on 12 May 2022.
- 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

27 May

2025 **Date**