



**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/24/3702

**Re: Property at Flat 18, Albert Den, Albert Lane, Aberdeen, AB25 1SY (“the
Property”)**

Parties:

**Aberdeen Leasing Investments Ltd, 162 Anderson Drive, Aberdeen, AB15 6FR
 (“the Landlord”)**

**CW Property Leasing Ltd, 100 Forest Avenue, Aberdeen, AB15 4TL (“the
Landlord’s representative”)**

**Mr Michael McLeod, Ms Ailsa Fyfe, Flat 18, Albert Den, Albert Lane, Aberdeen,
AB25 1SY (“the Tenants”)**

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 (“RSEO”) relative to the house dated 23 January 2025 and issued a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Background

- 1 By decision dated 23 January 2025, the Tribunal determined that the Landlord had failed to comply with the duties imposed by section 14(b) of the 2006 Act and made a RSEO in respect of the property requiring the Landlord to:-
 - (i) Instruct a damp and condensation specialist to inspect the ensuite shower room, submit the specialist’s report to the Tribunal for further consideration, and thereafter carry out any necessary works as directed by the Tribunal; and

- (ii) Repair the fridge door so that it is in proper working order.

The RSEO required the Landlord to carry out the works within a period of one month.

- 2 The Tribunal re-inspected the property on 7 March 2025. A hearing took place later that same day. All parties were in attendance. Following the hearing the Tribunal issued its decision in terms of which the Tribunal determined to vary the RSEO to extend the period for completion of the works by a period of six weeks. The Tribunal was satisfied that the Landlord had made satisfactory progress on carrying out the works required by the RSEO. The fridge freezer had been replaced and the Landlord had made efforts to investigate the source of the damp and condensation, albeit the report submitted was not in satisfactory terms. The Tribunal therefore determined it would be reasonable to vary to RSEO to allow the Landlord a further opportunity to obtain a second survey report. Reference is made to the decision of the Tribunal dated 13 May 2025 in this regard.
- 3 On 4 June 2025 the Tribunal received an email from the Landlord's representative, CW Property Leasing Ltd, with a report from McKay Preservation dated 3 June 2025. The Tribunal asked the Landlord's representative if the Landlord intended on implementing the recommendations in the report, which included addressing water penetration from faulty tiles or grout in the shower, and replacing the extractor fan. The Landlord's representative confirmed that the Landlord would arrange contractors to carry out the necessary works.
- 4 On 10 July 2025 the Tribunal received an email from the Landlord's representative with an invoice from AJM Plumbing dated 10 July 2025 confirming replacement of the extractor fan in the ensuite shower room. The Landlord's representative confirmed that a contractor would be attending the property on 28 July 2025 to complete the remaining works.

The re-inspection

- 5 The Tribunal re-inspected the property again on 1 August 2025. The Landlord was represented by Ms Caroline Walker and Ms Katie Hutcheon of CW Property Leasing. Mr Yule was present and accompanied by Mr Ryan Robertson for support. The Tenants were both in attendance and accompanied by Mrs Shona Fyfe for support.
- 6 The Tribunal inspected the ensuite shower room. The faulty tiling/grouting had been repaired and the extractor fan had been replaced. Mould on the shower room ceiling was in the process of being wiped down by a contractor at the time of the inspection. An area of plasterwork in the living room had been replaced at the party wall with the shower room and was awaiting decoration once the plaster dried out.

- 7 Photographs were taken during the re-inspection and a schedule is appended to this decision.
- 8 Following the re-inspection the Landlord emailed the Tribunal with photographs of the completed works to the ensuite bathroom and an invoice from McKay Preservation.

Reasons for decision

- 9 The Tribunal was satisfied based on the findings from the re-inspection and the written representations that the Landlord has now complied with the RSEO. The Tribunal considered it could make a determination in the absence of a hearing under Rule 18 of the Rules, as the evidence was clear and unequivocal. The outstanding item in this case was the damp and condensation in the ensuite shower room. The specialist report produced by the Landlord identified the cause of the moisture and the remedial works required. The Landlord has now completed these works, which included the replacement of the extractor fan and repairs to the tiles. Whilst the redecoration in the living room remains outstanding, the Tribunal was satisfied that this was *de minimis* in the overall context of the repairing issues and did not prevent the Tribunal from concluding that the Landlord has complied with the RSEO.
- 10 The Tribunal therefore determined to issue a certificate of completion under section 60(4) of the 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.

14 August 2025

Legal Member/Chair- R. O'Hare

Date