

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Statement of Reasons: Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RT/23/3454

Property: 105 Mary Street, Laurieston, Falkirk FK2 9PR ('The House')

Title reference: STG5877

The Parties: -

Arfan Ahmed, L&T Dental Group, c/o Property 4 U, 434 Cathcart Road, Glasgow G42 7BZ ('the landlord')

Mutiu Abdussalam, formerly of 105 Mary Street, Laurieston, Falkirk FK2 9PR ("the tenant")

Falkirk Council, Private Sector Team, The Forum, Suite 2, Callendar Business Park, Falkirk FK1 1XR ("the third party")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having made such enquiries as are fit for the purposes of determining whether the landlord complied with the Repairing Standard Enforcement Order dated 30 January 2024 determined that the landlord has complied with the said Repairing Standard Enforcement Order and that a Certificate of Completion should be issued in accordance with section 60(5) of the Housing (Scotland) Act 2006.

The Tribunal consisted of: -

Mary-Claire Kelly, Chairing and Legal Member

Sara Hesp, Ordinary Member (surveyor)

1. Reference is made to the decision of the Tribunal dated 30 January 2024 which determined that the landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 as the property did not meet the Repairing Standard. The Tribunal therefore made a Repairing Standard Enforcement Order (RSEO). The works required by the RSEO were:-
Carry out repairs as are necessary to the property to ensure that the front bedroom in the property is not affected by penetrating dampness and is watertight
2. The Tribunal ordered that the works be carried out with the period of 3 months from the date of service of the RSEO.
3. Following expiry of the period of notice a re-inspection and hearing took place on 26 August 2024.
4. Prior to the re-inspection on 26 August 2024 there had been a serious fire in the property adjacent to 105 Mary Street. There did not appear to be any visible damage to the exterior of the property at 105 Mary Street, however it was clear that there had been a significant fire event and that investigations would be required to confirm whether there had been any structural damage prior to the property being re-let.
5. The Tribunal determined to vary the RSEO to allow more time for the landlord's insurance claim to progress and to allow the landlord's insurance company to investigate the issue and for appropriate repairs to be carried out.
6. A further re-inspection and hearing took place on 3 December 2024. At that date the area surrounding the window in the front bedroom continued to be impacted by dampness and water ingress. At the hearing the landlord stated that it was his intention to fully comply with the terms of the RSEO. He sought an extension of the time allowed to complete the works to the property to reflect the amount of work and also the delays in progressing works that were due to the fact that the works were to be carried out as part of an insurance claim and with the assistance of loss adjusters.
7. The Tribunal considered it reasonable to extend the compliance period by 9 months.

8. At the landlord's request a further re-inspection was scheduled for 31 July 2025.

Re-inspection- 31 July 2025

9. The Tribunal re-inspected the property on the morning of 31 July 2025. The landlord was in attendance. Reference is made to the re-inspection report issued to parties for comment which is attached to his decision.
10. The Tribunal found that there was no sign of any water ingress to the front bedroom and that repairs had been completed. High level damp meter readings were taken, and moisture levels were found to be within a normal range. The wardrobe in the front bedroom had been removed and the walls and ceiling re-decorated.
11. Both parties confirmed that they agreed with the findings in re-inspection report.

Reasons for the Decision

12. The Tribunal was satisfied based on the findings at the re-inspection on 31 July 2025 that the work carried out complied with the RSEO dated 30 January 2024 and determined to issue a completion certificate.

Decision

The tribunal determined that the landlord had complied with the RSEO and proceeded to issue a Certificate of completion.

M C Kelly

Legal Member

Chairperson:

Date: 19 August 2025