

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 60 of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1A) of the Act

Chamber Ref: FTS/HPC/RP/23/3753

Re: Property at 5/102 Elfin Square, Edinburgh EH11 3BF registered in the Registers of Scotland under Title Number MID214715 (“the Property”)

The Parties:

Spindlehawk Limited, having a place of business at Block D, Universal Square, Manchester, M12 6JH (“the Landlord”)

Tribunal Members:

Karen Moore (Chairperson) and Robert Buchan (Ordinary and Surveyor Member)

Decision of the Tribunal

The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether a certificate of completion in respect of the Repairing Standard Enforcement Order (RSEO) can be granted, determined that, as it is satisfied that the work required by the RSEO has been carried out, a certificate in terms of Section 60 of the Act is granted.

This Decision should be read in conjunction with the Decisions, RSEO and RSEOs as varied dated 22 March 2024, 30 May 2024 and 4 February 2025.

Background

1. By application received between 25 October 2023 and 7 December 2023 ("the Application"), the then tenant of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1)(a), 13(1)(b), and 13(1)(h) of the Act.
2. The Application was referred to the Tribunal.

Inspections and Hearings

3. An Inspection of the Property and a Hearing were held on 22 March 2024. The outcome of the Inspection and Hearing was that the Tribunal determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) and so made the following RSEO as required by Section 24 (1) of the Act: *"The Landlord must on or before 20 June 2024 carry out all of the following:- 1. Carry out all works necessary to bring the structure and exterior of the house (including drains, gutters and external pipes) into a reasonable state of repair and in proper working order and so ensure that the Property is dampness free, wind and watertight and in all other aspects reasonably fit for human habitation 2. Carry out all incidental and decorative works occasioned by the works necessary to comply with this Order to leave the Property in the condition required by the Repairing Standard."*
4. By letter dated 1 May 2024, the Landlord made application to appeal (PTA) the RSEO. The Tribunal took the view that the Landlord's PTA was a submission in terms of Section 25(3) of the Act, considered

the PTA on that basis and, by Decision dated 30 May 2024, varied the RSEO to allow further time to comply.

5. By email dated 1 July 2024, the then tenant notified that the tenancy had been ended and that the Property vacated.

6. A further Inspection and Hearing took place on 4 February 2025. The outcome of that Inspection and Hearing was that the Tribunal varied the RSEO further to allow additional time for the Landlord to comply.

7. A further Inspection took place on 15 September 2025. At that Inspection, the Tribunal was satisfied that the work required by the RSEO and RSEOs as varied had been completed. A report of that Inspection accompanies this Decision.

Decision of the Tribunal and Reasons for the Decision of the Tribunal

8. Having found that the works required by the RSEO as varied have been carried out, the Tribunal issued a certificate of completion in terms of Section 60 of the Act.

9. The decision of the Tribunal is unanimous.

Appeal

In terms of section 46 of the Tribunals (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 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.

K Moore

Signed

Karen Moore, Chairperson

2 October 2025