

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Determination: Housing (Scotland) Act 2006: Sections 26 and 27

Chamber Ref: FTS/HPC/RP/24/0332

12 Southgate, Milngavie, Glasgow, G62 6RB (“the Property”)

The Parties:-

**Ms Julie D’Amour, residing at 12 Southgate, Milngavie, Glasgow, G62 6RB
 (“the Tenant” and “the Applicant”)**

**Anita Marwaha, sometime residing at 0/2, 40 Derby Street, Glasgow, GB 7TG
 and now residing at 277 Milngavie Road, Bearsden, Glasgow, G61 3DG (“the
 Landlord” and “the Respondent”)**

Tribunal Members:

**Mr Martin McAllister, Solicitor (Legal Member) and Mr Nick Allan, Chartered
 Surveyor (Ordinary Member) (“the tribunal”)**

Decision

- (i) The tribunal determines that the Landlord has complied with the
 repairing standard enforcement order dated 12 June 2024.**
- (ii) The tribunal determines to issue a certificate in terms of section 60 (5)
 of the Housing (Scotland) Act 2006.**

Background

- 1. By application dated 18 January 2024, the Applicant applied to the Housing and
 Property Chamber of the First-tier Tribunal for Scotland for a determination of
 whether the Landlord has failed to comply with the duties imposed by Section
 14 (1) (b) of the Housing (Scotland) Act 2006 as amended (the 2006 Act). The
 application is in terms of Section 22 (1) of the 2006 Act (“the 2006 Act.”)**

2. The Applicant and Respondent are parties to a private residential tenancy in respect of the Property. It is dated 5 January 2018.
3. On 16 May 2024, an inspection of the Property was carried out by the tribunal and a Hearing was held on the same day. The tribunal made a repairing standard enforcement order dated 12 June 2024.
4. On 10 December 2024, a re-inspection was carried out and a Hearing was held on the same day. The tribunal determined that, although some work had been carried out, the RSEO had not been complied with and it issued a certificate of non-compliance and a rent relief order.

Reinspection 19 August 2025

5. The members of the tribunal attended the Property at 10 am on 19 August 2025 for a reinspection. Intimation of the reinspection had been sent to the Applicant's representative and the Respondent on 30 July 2025.
6. The Respondent was in attendance. The Applicant met the members of the tribunal outside the Property and advised that she was on her way to the funeral of a close family member. She said that she had not received intimation of the reinspection and that this must be because her representative, Mr Heath, had retired and no one from his office had told her about it.
7. The tribunal accepted that it was unable to gain access to the internal parts of the Property and intimated that this would be carried out on another date to be intimated to parties.

Rent Relief Order

8. The tribunal considered the terms of Section 27(4) of the Housing (Scotland) Act 2006 which states that a rent relief order can be revoked at any time. The tribunal was able to carry out an inspection of the exterior of the Property and also spoke briefly to the Applicant who confirmed that a new oven had been installed and that it was satisfactory. The Applicant also confirmed that satisfactory work had been carried out to the central heating system. The tribunal also had a current gas safety certificate in satisfactory terms.
9. The tribunal determined that it would be appropriate to revoke the rent relief order and did so. The revocation was dated 22 August 2025 and was emailed to parties the same day.

Reinspection 8 September 2025

10. The tribunal inspected the Property on 8 September 2025. The Applicant and the Respondent were in attendance.
11. Prior to the reinspection, the Respondent had provided information to the tribunal. She submitted evidence that a new oven and shower pullcord switch had been installed, that works had been carried out to the roof, gutters,

rendering and balcony and that work had been carried out by a gas fitter. She also submitted a gas safety certificate dated 16 June 2025.

12. The terms of the RSEO dated 12 June 2024 were:

The Landlord is required to:

- 12.1 Produce to the Tribunal a satisfactory current Gas Safety Certificate for the Property prepared by a suitably qualified gas engineer registered in the Gas Safe Register.
 - 12.2 Engage a suitably qualified central heating engineer to inspect the central heating system, including the boiler, radiators, external expansion pipe and associated plumbing to ensure that it is in a reasonable state of repair, that the system is fully functioning and includes an appropriate method of controlling the temperature in the Property and thereafter to carry out any necessary repairs. The Respondent is required to submit a report to the Tribunal from the central heating engineer confirming that the system is in a reasonable state of repair, is fully functioning and includes an appropriate method of controlling the temperature.
 - 12.3 Repair or renew the defective smoke detector in the upper Landing ensuring that it is in satisfactory working order and interconnected with the existing smoke detectors and kitchen heat sensor in accordance with Scottish Government Guidelines.
 - 12.4 Repair or renew the oven to ensure that it is in efficient working order.
 - 12.5 Make good the defective flooring in the second bedroom.
 - 12.6 Ensure that the window and balcony door in the Living room are in good working order.
 - 12.7 Repair or renew the flooring in the balcony to ensure that it is smooth, weatherproof and appropriately pitched to ensure that the drainage from the balcony is effective.
 - 12.8 Remove the tree and vegetation growing on the balcony.
 - 12.9 Replace the window frames and sills that have been crudely repaired with rough-sawn timber with modern units.
 - 12.10 Clear gutters of vegetation. All guttering should be correctly aligned, and joints checked to ensure that rainwater goods are in proper working order.
 - 12.11 Repair the defective/failed roughcasting on the supporting pier of the balcony.
 - 12.12 Replace missing roof tiles.
13. At the reinspection on 10 December 2014, it was determined that the work required in items 12.3, 12.5, 12.6, 12.8 and 12.9 of the RSEO had been carried out satisfactorily.
14. Prior to the reinspection, the Respondent had submitted a current gas safety certificate which was in acceptable terms.

15. The Applicant confirmed that a gas engineer had carried out work to the central heating system, including installation of a thermostatic control. She said that the heating system was working satisfactorily. The ordinary member inspected the boiler and thermostatic control and found them to be in working order.
16. The tribunal noted that a new oven had been installed and the Applicant confirmed that it was in working order.
17. Work had been done to the balcony floor which the tribunal found satisfactory.
18. The gutters were clear of vegetation.
19. The roughcasting on the supporting pier of the balcony had been repaired.
20. Missing roof tiles had been replaced.
21. The tribunal determined that, with the exception of the report from the heating engineer, the RSEO had been complied with. The Respondent said that the heating engineer had carried out additional work to the system and that it was now working in a satisfactory manner. The Applicant said that she was now able to control the temperature of the central heating system and that she was satisfied that it was operating properly.
22. Taking all matters into account, the tribunal determined that the RSEO had been complied with. It arrived at this view from what had been found at the reinspection, the documentation submitted by the Respondent and what the Applicant had said in relation to matters contained in the RSEO.
23. The tribunal determined that it should issue a certificate in terms of Section 60 (5) of the 2006 Act.
24. Prior to the re-inspection, the Respondent emailed the Tribunal on 6 September 2025. She stated that, since the works had been completed on 5 July 2025, the rent relief order should have been revoked from that date.
25. The tribunal considered matters. It had revoked the rent relief order on 22 August and that was following an external inspection of the Property which showed that sufficient works had been done to merit revocation. The tribunal did not consider it could revoke the RRO from a date prior to inspection and therefore refused the Respondent's request.

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.

Martin J. McAllister,
Solicitor, legal member of
Tribunal.
15 September 2025.