

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24 (1)

Chamber Ref: FTS/HPC/RP/24/3515

Re: 17E Princes Street, Dundee, DD4 6BY ("the Property")

Parties:

Mr Gavin Smith, formerly 17E Princes Street, Dundee, DD4 6BY ("The Former Tenant")

Ms Joanna Gibbings, 9/4 Trinity Way, Edinburgh, EH5 3PY ("The Landlord")

Tribunal Members – Graham Harding (Legal Member) and David Godfrey (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 31 July 2024 the former Tenant complained to the Tribunal that the Landlord was in breach of her obligations in that the property failed to meet the repairing standard. Specifically the former tenant complained that the property was not wind and watertight and in all other respects reasonably fit for human habitation; the structure of the property (including gutters and external pipes) were not in a reasonable state of repair and in proper working order; the fixtures and fittings and appliances provided by the landlord under the tenancy were not in a reasonable state of repair and proper working order; and did not meet the tolerable standard in that the property was not free from rising or penetrating damp and was not structurally stable. The former Tenant complained that the kitchen roof had crumbled and that there

were holes in the floor from vermin and that the bathroom roof was deteriorating due to poor ventilation and leaks from the property above.

2. By Notice of Acceptance dated 7 October 2024 a legal member of the Tribunal accepted the application and an inspection and hearing was assigned.
3. Service of the case papers and intimation of the inspection and hearing was sent to the Landlord by recorded delivery post on 12 April 2025 and was delivered on 15 April 2025
4. By email dated 6 May 2025 the former Tenant advised the Tribunal that he had vacated the property in December 2024.
5. By email dated 8 May 2025 the landlord submitted written representations to the Tribunal.
6. In light of the former Tenant removing from the property the Tribunal considered whether to abandon or continue to determine the application and by Minute of Continuation dated 19 May 2025 determined to continue the application.
7. Intimation of the Minute of Continuation was sent to the Landlord by letter dated 21 May 2025.
8. An inspection of the property was arranged to take place on the morning of 4 June 2025 at 10.00a.m. The Landlord did not attend nor was she represented and the Tribunal was unable to carry out the inspection.
9. A hearing was held at Endeavour House Dundee at 11.30 on 4 June 2025. The Landlord failed to attend and no explanation for her failure was provided. The hearing was adjourned and a further inspection and hearing assigned. The Tribunal issued Directions to the Landlord requiring her to provide access to the property on the date of the inspection and to provide an explanation for her failure to arrange access on 4 June and to attend or be represented at the hearing.
10. By email dated 4 August 2025 the Landlord submitted a written response to the Tribunal's directions confirming access to the property would be arranged for the further inspection to take place on 16 September 2025 and offering an explanation for her failure to attend the previous inspection and hearing due to health issues.
11. The Tribunal attended at the property on 16 September 2025. A tenant at the property Mr Segun Ebun said he knew nothing about an inspection taking place and also advised the Tribunal that his landlord was a Mr Kassam and that he had no knowledge of Ms Gibbings. Nevertheless, Mr Ebun allowed the Tribunal to inspect the property.

The Ordinary member took photographs of the property and these are attached as a schedule to the decision.

The Hearing

12. A Hearing was held at Dundee Carers Centre, Seagate, Dundee at 11.30 a.m. on 16 September 2025. The Landlord did not attend nor was she represented.
13. The Tribunal noted from the inspection that there was damp staining on the upper wall/ceiling as well as plaster damage to the ceiling in the kitchen of the property. The Tribunal also noted that there was damp staining/ condensation mould in the bathroom and that the extractor fan was inoperative. The Tribunal noted that the carbon monoxide and heat alarms in the kitchen were incorrectly positioned. The Tribunal had limited access to the property but saw no evidence of holes in the floors or the presence of mice.

Summary of the issues

14. The issues to be determined are:
- (i) Is the property wind and watertight and in all other respects reasonably fit for human habitation?
 - (ii) Is the structure and exterior of the house (including drains, gutters and external pipes) in a reasonable state of repair and in proper working order?
 - (iii) Are all fixtures, fittings and appliances provided by the Landlord in a reasonable state of repair and in proper working order?

Findings in fact

15. The Tribunal finds the following facts to be established:-
- The Landlord is the owner of the property.
 - There is evidence of damp staining on the wall and ceiling in the kitchen of the property.
 - There is damage to the plaster in the kitchen of the property.
 - There is evidence of damp and or condensation and mould in the bathroom of the property.
 - The extractor fan in the bathroom is inoperative.
 - The carbon monoxide and heat alarms in the property are incorrectly positioned.

Reasons for the decision

16. Although the current tenant appeared to think that his landlord was Mr Kassim rather than Ms Gibbings, the Tribunal carried out a title search of the property and the Landlord was shown as the owner of the property. Furthermore, in her email of 4 August 2025 the Landlord gave no indication of any change of ownership. The Tribunal considered the information provided by the Landlord in her written representations

dated 8 May 2025 but in the absence of any further information the Tribunal was not satisfied that the Landlord was unable to ensure that the property could meet the repairing standard. The Tribunal was satisfied from its inspection of the property that there was evidence of damp in the kitchen and mould in the bathroom and a faulty extractor fan that required further investigation by a specialist contractor. The Tribunal was therefore satisfied that in its present condition the property did not meet the repairing standard.

Decision

17. The Tribunal accordingly determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
18. The tribunal proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).
19. The decision of the Tribunal was unanimous.

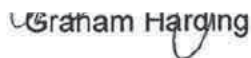
Right of Appeal

20. **A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.**

Effect of section 63

21. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined

G Harding

Signed  Graham Harding

Date 23 September 2025

Chairperson

Housing and Property Chamber

First-tier Tribunal for Scotland



Pre-hearing inspection summary and schedule of photographs



Property: 17E PRINCES STREET, DUNDEE DD4 6BY

Ref No: FTS/HPC/RP/24/3515

Tribunal members: Mr G Harding & Mr D Godfrey

Purpose of inspection

The purpose of the inspection is to prepare a photographic record of the condition of the property, specifically as it relates to the items raised in the application and subsequent correspondence and any issues arising there from.

Access

The above Tribunal Members attended the property at 10:00 on 16 September 2025.

The original Tenant, Mr Gavin Smith no longer resides in the property and access was provided by a new Tenant Mr Segun Ebun.

The Landlord, Ms Joanna Gibbings was neither present nor represented.

David Godfrey MRICS
Ordinary (Surveyor) Member
First-tier Tribunal for Scotland
16/09/2025

Appendix 1

Schedule of photographs taken during the inspection on 16/09/2025.



Damp staining on upper wall/ceiling of Kitchen.



Damp staining/plaster damage to ceiling in Kitchen.



Damp staining/condensation mould to ceiling in Bathroom.