

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**First-tier Tribunal for Scotland (Housing and Property Chamber)  
Statement of Decision of the First-tier Tribunal for Scotland (Housing and  
Property Chamber) under Section 24(1) of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/24/5506**

**Title no/Sasines Description: AYR227**

**29 Martin Avenue, Irvine, KA12 9NU  
("the Property")**

**The Parties:-**

**Mr Sebastian Sudorowski, 29 Martin Avenue, Irvine, KA12 9NU  
("the Tenant")**

**Mr Nimai Panja, 12 Cygnet Road, West Bromwich, B70 9RH  
("the Landlord")**

**The Tribunal**

**Ms Yvonne McKenna (Legal Member and Chair)  
Mr Kingsley Bruce (Ordinary Member and Surveyor)**

### **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal), having taken account of the findings on re-inspection on 2 October 2025, and the additional evidence and submissions by both parties, determined that the Landlord has complied with the Repairing Standard Enforcement Order dated 23 June 2025, although after the specified date of 11 September 2025.
2. The tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).
3. The decision of the tribunal was unanimous.

### **STATEMENT OF REASONS**

4. On 23 June 2025, the tribunal made a decision that the Landlord had failed to comply with the duty imposed by section 14(1) (b) of the Housing (Scotland) Act 2006, by failing to ensure that the Property met the repairing standard in the following respects:

*The structure and exterior of the house (including drains, gutters and external pipes) required to be a reasonable state of repair and in proper working order. There were issues emanating from the gutters which had caused some dampness in the bathroom around the soil vent pipe.*

5. The tribunal made a Repairing Standard Enforcement Order (RSEO), which required the Landlord to do the following no later than 11 September 2025:

*(a) Carry out all works necessary to bring the drains, gutters and external pipes into a reasonable state of repair and in proper working order. In this regard the Landlord requires to clean and repair the gutters, and undertake such repairs as may be required to address water ingress around a soil/waste vent pipe at roof level.*

*(b) 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.*

6. The RSEO was sent to both parties.

7. The Landlord intimated that works had been completed, and a re-inspection took place on 2 October 2025. Both parties were asked to submit a form stating whether the works stated in the RSEO had been completed. Both parties were invited to attend the re-inspection. The Landlord did not attend. The Respondent attended and provided access.

8. A re-inspection report was compiled by the tribunal dated 23 October 2025, and forwarded to the parties. The findings contained in the re-inspection report were:-

- Gutters appeared to have been cleaned.
- Rear gutters were not level, dropping to either end.
- Where historic wash marking was visible to the front elevation below gutters, the Tenant alleged that water could be seen running down the wall during rain. On inspection it appeared that there was a gap between the leading edge of the roof tiles and the gutter which could allow the escape of water.
- Within the bathroom, further damp marking evident around the area where the vent pipe for the drainage system passes through the roof externally, no indication of repair could be seen. The area had not been redecorated internally.
- It was noted that an extract fan had been fitted to the bathroom ceiling.

9. A further hearing was scheduled to take place on 16 February 2026 by teleconference.

10. On 6 February 2026, the Landlord e-mailed the tribunal stating that he had completed all works identified in the RSEO, and that the completed works included:

- Cleaning and repair of drains, gutters, and external pipework, including remedial works at roof level to address water ingress around the soil/waste vent pipe.
- Rectification of the gap between the leading edge of the roof tiles and the gutter to prevent water ingress.
- Roof repairs and remedial works within the bathroom to address damp staining at the point where the drainage vent pipe exits the roof.
- Completion of all incidental and decorative works, including cleaning and redecoration of areas affected by mould and spores, to ensure compliance with the Repairing Standard.

The Landlord included a quote for the roof repairs, and several photographs of the interior and exterior of the Property.

11. Both parties attended the teleconference hearing on 16 February 2026. A Polish interpreter assisted the Tenant.

12. The Tenant agreed that the works specified in the RSEO had been completed by the Landlord.

13. The Landlord sought a revocation of the RSEO. This was not opposed by the Tenant.

### **Reasons for the decision**

14. Taking account of the tribunal's findings on re-inspection on 2 October 2025, as above, together with the information and photographs provided by the Landlord, along with the fact that the Tenant has confirmed that the works have been completed; the tribunal is satisfied that the works in the RSEO have been completed, although after the specified date of 11 September 2025.

15. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act.

### **Right of Appeal**

**A landlord, tenant or third party applicant 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.**

In terms of Section 63 of the Act, 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.

# Yvonne McKenna

Signed Yvonne McKenna

Legal Member

Date: 16 February 2026