

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision under Section 26(1) of the Housing (Scotland) Act 2006 (“the Act”).

Chamber Ref: FTS/HPC/RP/24/3890

Title no: ANG6889

26 Strathmartine Road, Dundee DD3 7RJ (“The Property”)

The Parties:-

- **Mr Frank Yorke, Moorcroft, Old Whisky Road, Auchterhouse, Dundee DD3 0RD (“The Respondents and landlords”)**

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr David Godfrey - Ordinary Member (Surveyor)

1. **The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now changed the use of the Property and that the RSEO is no longer required and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.**

Statement of Reasons

2. Reference is made to the Determination of the Tribunal dated 23rd May 2025 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal which required the Landlord to carry out works to ensure that the Property meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good. This is fully detailed in the decision of 23rd May 2025.
4. On 2nd March 2026, the Legal Member (Chair) and Ordinary Member (Surveyor) of the Tribunal carried out an inspection of the Property. The Landlord was present. The Tribunal found that the works had not been completed. However, the Landlord had applied to Dundee City Council for the Property to have a change of use from a residential property to use for commercial purpose. This was granted by Dundee City Council on 25th February 2026. The change of use was for the Property to return to its original commercial use as the Landlord owns the butchers shop below and intends to extend the administration of the shop to this property.

Decision

5. The Tribunal considers the works specified in the RSEO to the Property have not been completed. However, having a change of use granted by Dundee City Council means that it will no longer be a rental property and no tenant will be affected by the removal of the RSEO. The Tribunal decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

Rights of Appeal

6. **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.**
7. **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.**

G Miller
Chairing Legal Member of the Tribunal
Dated: 16th March 2026