



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 26 (1) of the Housing (Scotland) Act 2006

Chamber Reference number: FTS/HPC/RP/25/2727

Re: Property at 24 Loanburn Avenue, Penicuik EH26 8BX (“the Property”)

Title No: MID248724

The Parties:

Ms Caroline Elder, 24 Loanburn Avenue, Penicuik EH26 8BX (“the Tenant”)

Dynamic Property (Scotland) Limited, incorporated in Scotland under the Companies Acts (SC750932) and having their registered office at Unit 4 Dryden Glen Industrial Estate, Loanhead EH20 9NA (“the Landlords”)

**Tribunal Members: George Clark, Legal Member
Sara Hesp, Ordinary (Surveyor) Member**

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, 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) of the Housing (Scotland) Act 2006 determined that the Landlord has failed to comply with that duty. The Tribunal made a Repairing Standard Enforcement Order.

Background

1. On 23 May 2025, the Tenant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a determination of whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The application stated that there is a blocked water waste pipe that has been opened and pouring into the garden since mid-March 2025, the latch in the bathroom window is broken, there are cracks in plasterwork throughout the entire house, the front door lock jams, the hall floor was not laid correctly and some boards have sunk, causing the floor to be very uneven and that the kitchen floor and kitchen units are water damaged.

3. On 14 January 2026, the landlord's letting agents, Dundas Property Management, Edinburgh, told the Tribunal that all work requested by the tenant had been carried out and that the tenant had signed off each job as it was done.

The Inspection

4. The Tribunal Members inspected the Property on the morning of 21 January 2026 and were admitted by the tenant. The Landlords were not present or represented. An Inspection Summary and Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Statement of Decision.

The Hearing

5. Following the Inspection, a Hearing was held at George House, 126 George Street, Edinburgh. Neither Party was present or represented.
6. The findings of the Inspection are summarised below:
 - (i) The property comprises a two-storey semi-detached dwellinghouse with rendered walls and a tiled roof, erected mid-20th century. The accommodation comprises three bedrooms and a bathroom upstairs and, on the ground floor, a living room and kitchen. There is gas-fired central heating and upvc double glazing.
 - (ii) There is a blocked waste pipe to the rear of the Property, beneath the kitchen window. When the kitchen tap was turned on, water poured out at the junction of the soil pipe and the waste pipe of the kitchen. The blockage appears to be further down the pipe.
 - (iii) The window latch in the bathroom is defective. The window could not easily be fully closed and was difficult to open. It appeared that an attempt by the landlords to fix it has not been successful.
 - (iv) The lock on the front door has been replaced and the tenant is satisfied with it.
 - (v) The flooring throughout the hall and kitchen has been replaced, but there is already wear between the two areas. Although not an issue that merited an RSEO, the Tribunal would recommend that a threshold be fitted to prevent further wear. The flooring in the hall was uneven in places but not such as to merit an RSEO.
 - (vi) The kitchen units show some signs of damage but are still fully functional.
 - (vii) There is no kickboard beneath the dishwasher, but that is not a repairing standard issue.
 - (viii) There are shrinkage cracks in plasterboard in various places in the Property, but they do not appear to be structural, so would not merit a RSEO.

Reasons for Decision

7. A landlord has a duty under Section 14(1)(b) of the Act, to ensure that the Property meets the Repairing Standard at all times during the tenancy. Section

24(2) of the Act provides that, where the Tribunal decides that a landlord has failed to comply with that duty, it must, by Repairing Standard Enforcement Order, require the landlord to carry out such work as is necessary for ensuring the Property meets the Repairing Standard and must specify the period within which the work required by the Order must be completed.

8. The Tribunal is of the view that the Property fails to meet the repairing standard in respect of the blocked waste pipe on the rear wall and the issue with the bathroom window.
9. The Tribunal decided to make a Repairing Standard Enforcement Order in respect of the matters described in Paragraphs of this Decision,

Decision

10. Having considered carefully all the evidence before it, the Tribunal made a finding that the Landlord has failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.

11. The Tribunal's Decision was unanimous.

G Clark

Legal Member 19 February 2026

Housing and Property Chamber
First-tier Tribunal for Scotland



24 Loanburn Avenue, Penicuik, Midlothian EH26 8BX

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Schedule of photographs taken on 21 January 2026



Photograph 1: Front elevation

Photograph 2: Kitchen – flooring



Photograph 3: Hallway: flooring



Photograph 4: Kitchen/hallway: flooring – wear at door threshold



Photograph 5: Kitchen: boiler and carbon monoxide detector



Photograph 6: Kitchen: cupboard beneath sink



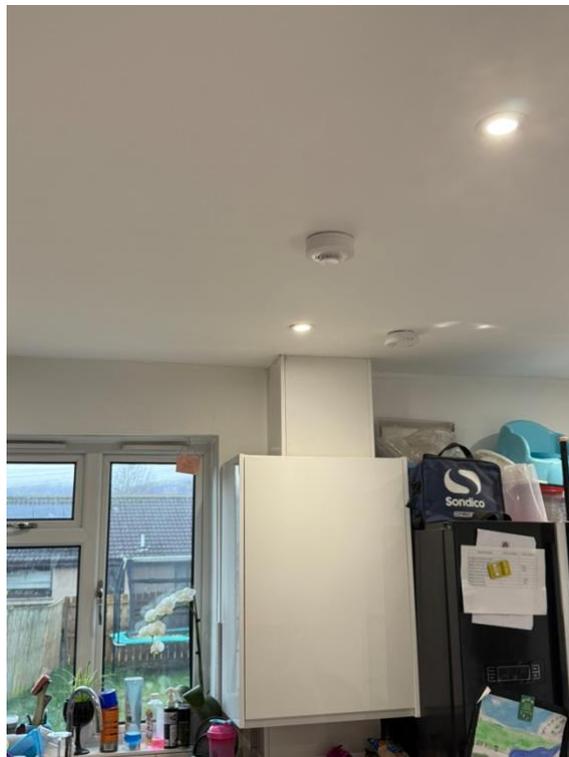
Photograph 7: Kitchen: sink and dishwasher



Photograph 8: Kitchen: Under-sink unit: water damage



Photograph 9: Kitchen: heat detector - interlinked and in working order



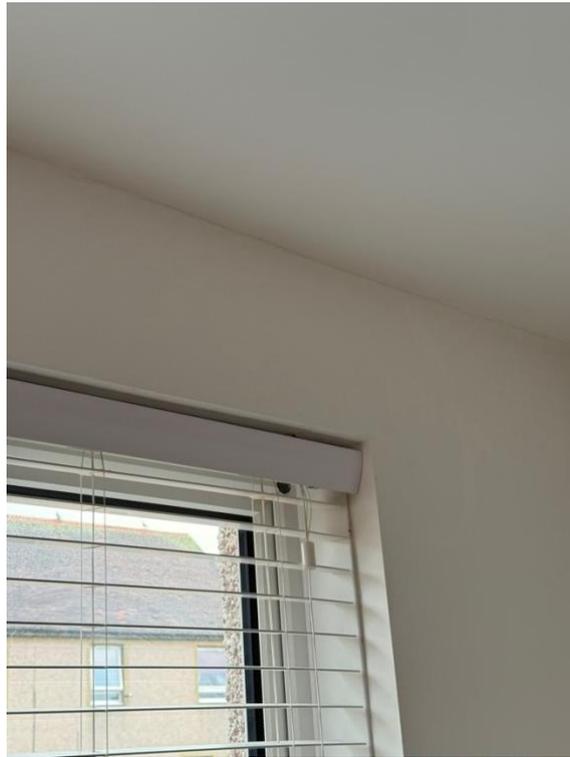
Photograph 10: Hallway: smoke detector: interlinked and in working order



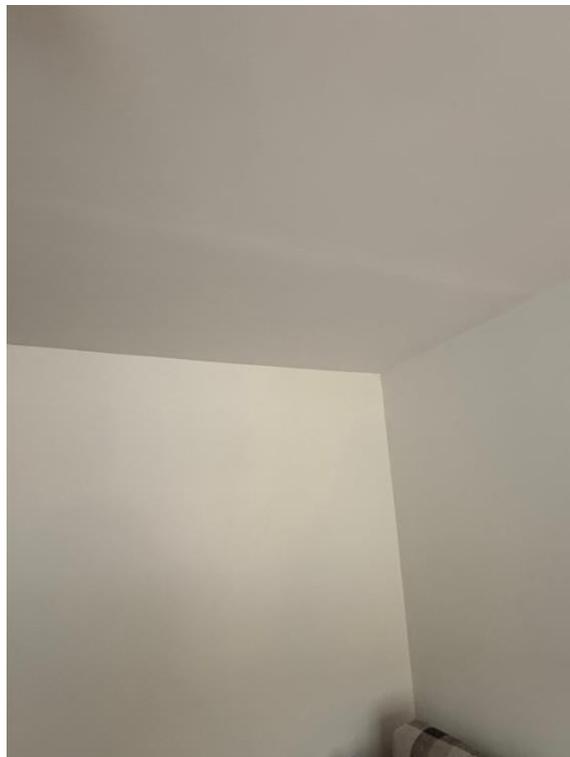
Photograph 11: Living room: smoke detector: interlinked and in working order



Photograph 12: Living room: cracking to plaster



Photograph 13: Living room: ceiling



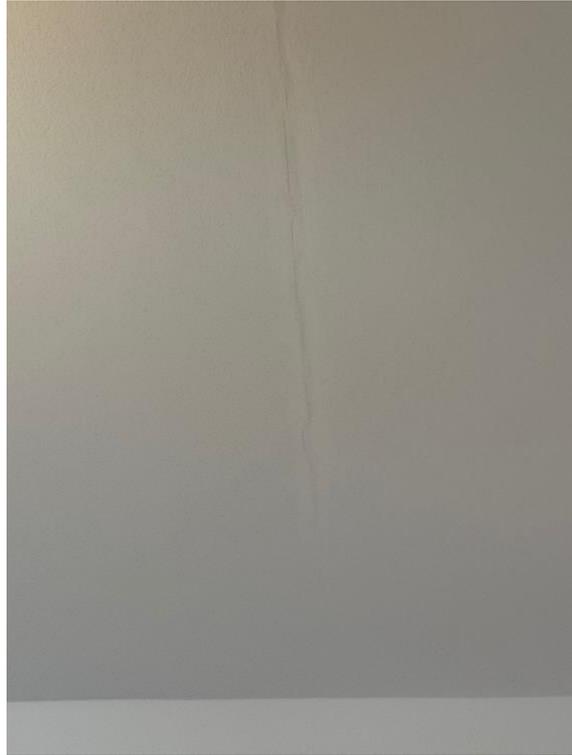
Photograph 14: Bedroom: example of cracking to plaster



Photograph 15: Bedroom: example of cracking to plaster



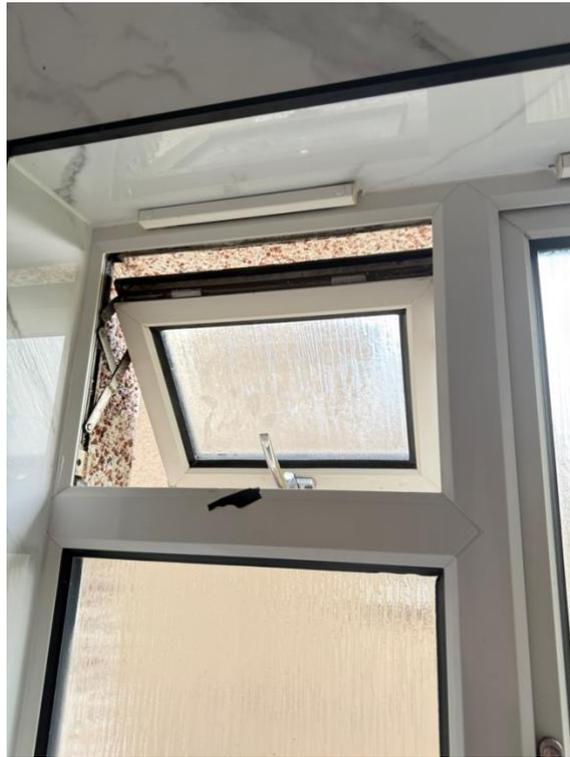
Photograph 16: Bedroom: example of cracking to plaster



Photograph 17: Bathroom: window



Photograph 18: Bathroom: window



Photograph 19: Landing: Smoke detector: interlinked and in working order



Photograph 20: Rear elevation: Water running from rear soil pipe (kitchen tap running)

