

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Certificate of Completion under Section 60(4) of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RP/24/2849

Title: Property at Flat 2, Malcolm Street, Wick, KW1 5AF, being one of three houses in which Building known as Amherst House, Malcolm Street, Wick has been divided, described in and with other subjects conveyed by Feu Charter to Trustees of Roman Catholic Congregation recorded 13 May 1862 (SS 28-98/5507)

Re: Property at Flat 2, Malcolm Street, Wick, KW1 5AF (“the Property”)

The Parties:

The Trustees of the Roman Catholic Diocese Of Aberdeen, St Marys House, 14 Chanonry, Old Aberdeen, Aberdeen, AB24 1RP (“the Landlord”)

Tribunal Members:

Ruth O’Hare, Legal Member and Angus Anderson, Ordinary Member

CERTIFICATE OF COMPLETION

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the house dated 9 April 2025 have been completed. Accordingly the said Repairing Standard Enforcement Order relative to the house has been discharged.

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. If an application for permission to appeal is received, then the Tribunal will notify you of this and the eventual outcome of that application and any subsequent appeal.

In witness whereof these presents type written on this and the preceding page(s) are executed by Ruth O'Hare, Chairperson, c/o Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT in Aberdeen on 30 March 2026 before this witness:-

R O'hare



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under sections 26(1) and 60 of the Housing (Scotland) Act 2006 (“the Act”)

Reference number: FTS/HPC/RP/24/2849

Re: Property at Flat 2, Malcolm Street, Wick, KW1 5AF (“the Property”)

The Parties:

The Trustees of the Roman Catholic Diocese Of Aberdeen, St Marys House, 14 Chanonry, Old Aberdeen, Aberdeen, AB24 1RP (“the Landlord”)

Tribunal Members:

Ruth O’Hare, Legal Member and Angus Anderson, Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Landlord has complied with the Repairing Standard Enforcement Order (“RSEO”) relative to the house dated 9 April 2025 and issued a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Background

- 1 By decision dated 23 December 2024 the tribunal determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the 2006 Act and made a RSEO under section 24(2) requiring the Landlord to:-
 - (i) Instruct a roofing specialist to inspect the interior and exterior of the property and communal staircase and in particular, the roof and chimneys in order to identify the cause of water ingress and carry out such works as are necessary to ensure the roof is wind and watertight and thereafter to repair the damaged ceiling within the kitchen area;
 - (ii) Inspect the lounge and front bedroom windows of the property and carry out such works as are necessary to ensure that they are in a reasonable state of repair;
 - (iii) Instruct a suitably qualified electrician to inspect the heating system in the property, and undertake any repairs or replacements required to ensure that the heaters are in a reasonable state of repair and in proper

working order;

- (iv) Undertake such repairs and maintenance as are necessary to ensure the water installation is in a reasonable state of repair and in proper working order and thereafter to provide an updated Legionella Assessment and to submit this to the Tribunal;
- (v) Install smoke and heat detectors in the property in accordance with Scottish Government guidance;
- (vi) Repair or replace the external flood lights to ensure these are in proper working order; and
- (vii) Carry out any re-decoration required after completion of the works at (i) and (ii).

The tribunal ordered that the works be carried out and completed within a period of three months.

- 2 By decisions dated 28 May 2025 the tribunal determined to vary the RSEO to extend the period for completion of the works by six months. By decision dated 13 January 2026 the tribunal determined to vary the RSEO again to extend the period for completion of the works by a further two months. Reference is made to the decisions of the tribunal in this regard.
- 3 On 23 March 2026 the tribunal received an email from the Landlord with photographs of the property which showed it had been completely refurbished.

Reasons for decision

- 4 The tribunal considered the findings of the previous inspections of the property and the documentary evidence from the Landlord in determining the application and was satisfied based on the information before it that the works required by the RSEO have now been completed. The tribunal determined that could reach a decision in the absence of a re-inspection based on the photographs produced, and in the absence of a hearing under Rule 18 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017.
- 5 The tribunal therefore determined to issue a certificate of completion under section 60(4) of the Act.
- 6 The decision of the tribunal was unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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 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 determined.

R O'hare

30 March 2026

Legal Member

Date