



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under sections 26(1), 27(4)(b) and 60 of the Housing (Scotland) Act 2006 (“the Act”)

Reference number: FTS/HPC/RT/17/0076

Re: Property at 26 Thistle Drive, Portlethen, Aberdeen, AB12 4QH (“the Property”)

The Parties:

Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, AB51 3WA (“the Third Party Applicant”)

Mrs Tahmida Kalam, Mr Abdul Hamid, 26 Thistle Drive, Portlethen, Aberdeen, AB12 4QH; 26 Thistle Drive, Portlethen, Aberdeen, AB12 4QH (“the Landlord”)

Tribunal Members:

Ruth O’Hare, Legal Member and Andrew Murray, 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 5 June 2017 and issued a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).

In terms of section 27(4)(b) of the 2006 Act, the rent relief order dated 5 June 2017 is revoked.

Background

1 By decision dated 5 June 2017 the tribunal made a RSEO requiring the Landlord to undertake the following works:-

(a) Conservatory

- (i) To repair or replace the handle and lock on the external door from the conservatory to the rear garden to ensure that the door opens, closes and locks correctly and is in a reasonable state of repair and in proper working order.

- (ii) To repair or replace the handles of the two windows in the conservatory to ensure that the windows open, close and lock correctly and are in a reasonable state of repair and in proper working order.
- (iii) To replace the lower pane of glass that is cracked and to ensure that the replacement pane is wind and watertight, in a reasonable state of repair and in proper working order.

(b) Windows (excluding conservatory windows)

- (i) Under exception of the window on the upper landing, to repair or replace the handles of the windows of the Property to ensure that they open, close and lock correctly and are in a reasonable state of repair and in proper working order.
- (ii) Within the living room, to repair or replace the seals around the windows to ensure that the windows are wind and watertight and in a reasonable state of repair and proper working order.
- (iii) On the upper landing to provide a key to allow the window to be unlocked and opened, and thereafter if required to repair or replace the window handle to ensure that it opens, closes and locks correctly and is in a reasonable state of repair and in proper working order.

(c) External doors

- (i) To repair or replace the damaged sill to the front exterior door of the Property to ensure that the door is wind and watertight and in a reasonable state of repair and in proper working order.
- (ii) To repair or replace the damaged sill to the rear exterior door of the Property leading from the kitchen to the garden to ensure that the door is wind and watertight, in a reasonable state of repair and in proper working order.
- (iii) To repair or replace the handle of the rear exterior door of the Property leading from the kitchen to the garden to ensure that the door opens, closes and locks correctly and is in a reasonable state of repair and in proper working order.
- (iv) To repair or replace the UPVC frame including the rear exterior door from the kitchen to the garden, adjacent window and panel beneath the window to ensure that the combined structure is in a reasonable state of repair and in proper working order.

(d) Banister

To repair or replace the spindles of the banister on the upper landing to ensure that they are in a reasonable state of repair and at a maximum distance apart of 100mm.

(e) Electrics

- (i) To repair or replace the loose sockets within the kitchen namely to the left of the fridge freezer and to the left of the external door to the rear garden to ensure that they are in a reasonable state of repair and in proper working order.
- (ii) To repair or replace the loose socket in the main bedroom (situated upstairs to the right of the bathroom) to the right of the window to ensure that it is in a reasonable state of repair and in proper working order.
- (iii) In the kitchen to repair or replace the switch to the right of the door from the hall to ensure that it is in a reasonable state of repair and in proper working order.
- (iv) In the living room to the right of the window to repair or replace the socket to ensure that it is in a reasonable state of repair and in proper working order.
- (v) In the upper hallway to repair or replace the switch operating the bathroom light to ensure that it is in a reasonable state of repair and in proper working order.
- (vi) To repair or replace the spotlights in the lower hall to ensure that they are in a reasonable state of repair and in proper working order.
- (vii) To install sufficient smoke alarms and heat detectors that are mains wired and interlinked and otherwise comply with the requirements of the relevant fire legislation.

(f) Central heating system

To engage a reputable specialist to investigate the cause of the central heating system failing to operate correctly and to carry out works recommended by that specialist to ensure that the central heating system is in a reasonable state of repair and in proper working order and safe to use, and without prejudice to the foregoing generality, the tribunal requires the Landlord to have a specialist to prepare a report on any faults affecting the central heating system and to exhibit this report to the tribunal.

(g) Carbon monoxide detection

To install a carbon monoxide detector to comply with the requirements of the relevant legislation.

(h) Additional reports

- (i) To produce a clear Electrical Installation Condition Report from a suitably qualified electrician confirming that the electrical installations within the property are in proper working order and comply with the relevant regulations with no items marked as Category 1 or Category 2. The Landlords are to exhibit such clear Electrical Installation Condition Report to the tribunal.
- (ii) To produce a current Gas Safety Certificate confirming that the central heating system is in proper working order, safe to use and complies with the relevant regulations. The Landlords are to exhibit such Gas Safety Certificate to the tribunal.

The RSEO required that the works be completed within 12 weeks.

- 2 By decision dated 7 November 2017 the Tribunal determined that the Landlord had failed to comply with the RSEO and made a rent relief order.
- 3 On 3 December 2025 the tribunal received an email from Mr Hamid advising that he had refurbished the property and would like it re-let. He explained that he had installed a new kitchen, new windows, new doors, gas and electric, and was in the process of repainting.
- 4 On 21 December 2025 Mr Hamid submitted a gas safety certificate, electrical installation condition report, certificate of fire detection and fire alarm systems, and invoices.
- 5 A re-inspection and hearing was scheduled to take place on 17 March 2026. The tribunal gave notice of the inspection and hearing to the parties.

The re-inspection

- 6 The re-inspection took place on 17 March 2026 at 10am. The Landlord was represented by Mr Hamid. Miss Emma McKay represented the Third Party Applicant. The weather was dry and sunny with moderate winds.
- 7 The property is currently unoccupied. It appears to have been recently refurbished as confirmed by the Landlord in his email of 3 December 2025. A contractor was present during the re-inspection.
- 8 The tribunal inspected the items in the RSEO:-

(a) Conservatory

The conservatory was full of items which made access difficult. The tribunal could identify no cracks in the lower window panes. The external door to the rear garden could be opened and closed. The handles of two windows were

loose.

(b) Windows (excluding conservatory windows)

All windows in the property have recently been replaced and all have locks. The tribunal tested some of the windows which opened and closed without difficulty.

(c) External doors

The front exterior door has recently been replaced and can be opened, closed and locked without difficulty. The rear exterior door was in the process of being replaced by a contractor during the tribunal's inspection.

(d) Bannister

The banister on the upper landing has been repaired and replaced. The spindles are at a safe distance apart.

(e) Electrics

The sockets and light switches have been recently replaced.

(f) Central heating system

The tribunal inspected the boiler which is in a cupboard in the upper hall. The Landlord confirmed that the boiler was installed around 3 years ago. The tribunal tested the boiler which was found to be in proper working order.

(g) Carbon monoxide detection

A carbon monoxide detector has been installed in the cupboard containing the boiler.

- 9** Photographs were taken during the inspection and a schedule is appended to this decision.

The hearing

- 10** The hearing took place by teleconference on 17 March 2026 at 1pm. The Landlord was represented by Mr Hamid. The Third Party Applicant was represented by Miss McKay. The tribunal heard oral evidence from the parties.
- 11** Miss McKay confirmed that she was satisfied that parts (b), (d), (e), (f), (g) and (h) of the RSEO had been suitably addressed by the Landlord. Regarding parts (a) and (c), Miss McKay confirmed that she had noted the rear exterior door was being replaced during the inspection, and that only the repairs to the windows in the conservatory appeared to be outstanding.

Reasons for decision

- 12 The tribunal considered the findings of the re-inspection and the oral and documentary evidence in determining whether the Landlord has complied with the RSEO. The tribunal took into account the length of time since the RSEO was made by the tribunal, and the significant works that had been carried out by the Landlord in the intervening period. It was evident that the condition of the property had far improved. Accordingly, whilst there were some outstanding matters, such as the completion of the rear exterior door and the repairs to the window handles in the conservatory, the tribunal was of the view that these issues were *de minimis* in the overall context of the works required by the RSEO and pose no health and safety risks to occupants. The tribunal further noted that the Third Party Applicant could provide appropriate oversight to ensure these minor works are completed and given the extent of the refurbishment the Landlord has carried out to date the tribunal did not have any concerns about his intent to complete the repairs.
- 13 Accordingly, taking into account the works that had been carried out, the tribunal was satisfied that the Property had been significantly improved and did now meet the Repairing Standard. Accordingly the tribunal was satisfied that both the RSEO and the rent reduction order should now be discharged and determined to issue a certificate of completion.
- 14 The decision of the Tribunal was unanimous.

R O'hare

✓
Chairperson of the tribunal
Dated: 17 March 2026

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/RT/17/0076

Land Register Title No: KNC1519

Re: Property at 26 Thistle Drive, Portlethen, Aberdeen, AB12 4QH (“the Property”)

The Parties:

Mrs Tahmida Kalam, Mr Abdul Hamid, 26 Thistle Drive, Portlethen, Aberdeen, AB12 4QH; 26 Thistle Drive, Portlethen, Aberdeen, AB12 4QH (“the Landlord”)

Tribunal Members:

Ruth O’Hare, Legal Member and Andrew Murray, 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 5 June 2017 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 17 March 2026 before this witness:-

R O'hare