

Housing and Property Chamber
First-tier Tribunal for Scotland



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: PRHP/AB12/58/10

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

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 2 July 2010 and issued a certificate of completion under section 60 of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Background

- 1 By decision dated 2 July 2010 the tribunal made a RSEO requiring the Landlord to undertake the following works:-
 - (a) The boiler requires repair to ensure that the boiler is in a reasonable state of repair and in proper working order.
 - (b) The window in the children’s bedroom requires repair to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation. Furthermore, the window handle in the children’s bedroom requires repair to ensure it is in a reasonable state of repair and in proper working order.
 - (c) The dishwasher requires repair to ensure it is in a reasonable state of repair and in proper working order.

(d) The mixer tap requires repair to ensure that it is in a reasonable state of repair and in proper working order.

(e) Two mains wired and interlinked smoke alarms require to be installed or repaired as appropriate in the ground and first floor halls in order that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The RSEO required the Landlord to complete the works within four weeks.

- 2 By decision dated 13 October 2010 the tribunal determined to vary the RSEO to extend the period for carrying out the works by four weeks. The tribunal noted in its decision that the works required by paragraphs 3(c), (d) and (e) had not been completed.
- 3 By decision dated 20 January 2011 the tribunal determined that the Landlord had failed to comply with the RSEO.
- 4 On 3 December 2025 the tribunal received an email from the Landlord explaining that he had refurbished the property and would like it re-let. The Landlord explained that he had installed a new kitchen, new windows, new doors, gas and electric, and he was in the process of repainting.
- 5 On 21 December 2025 the Landlord submitted a gas safety certificate, electrical installation condition report, certificate of fire detection and fire alarm systems, and invoices.
- 6 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

- 7 The re-inspection took place on 17 March 2026 at 10am. The Landlord was represented by Mr Hamid. The weather was dry and sunny with moderate winds.
- 8 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 at the time of the re-inspection carrying out work to the back door.
- 9 The tribunal inspected the items in the RSEO:-
 - (i) A new boiler has been fitted in the upstairs hall cupboard. The Landlord confirmed that this was installed around 3 years ago. The boiler was tested and was found to be in proper working order. There is currently no flooring in the cupboard to allow for safe access to the boiler.
 - (ii) All windows in the property, except for the conservatory windows, have

been recently replaced and all can be opened, closed and locked correctly.

- (iii) A new kitchen has been installed. There is no longer a dishwasher.
- (iv) The mixer tap was tested during the inspection and found to be in proper working order.
- (v) There are mains wired and interlinked smoke alarms in the ground and first floor halls as confirmed by the certificate produced by the Landlord.

The hearing

- 10** The hearing took place by teleconference on 17 March 2026 at 1pm. The Landlord was represented by Mr Hamid. The tribunal heard oral evidence from Mr Hamid. Miss Emma McKay of Aberdeenshire Council was also present during the hearing as an observer.

Reasons for decision

- 11** The tribunal considered the findings of the re-inspection and the oral and documentary evidence from the Landlord in determining the application and was satisfied that the works required by the RSEO have now been completed.
- 12** The tribunal therefore determined to issue a certificate of completion under section 60(4) of the Act.
- 13** The decision of the tribunal was unanimous.
- 14** As an observation, whilst it did not form part of the works required under the RSEO the tribunal would expect the Landlord to ensure the upstairs cupboard is fitted with appropriate flooring to allow for safe access to the boiler. The Landlord confirmed during the hearing that the floorboards had been removed but would be reinstated by a joiner.

R O'Hare

 Chairperson of the tribunal
Dated: 17 March 2026