

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/25/3800

Re: Property at 38 Torwood Crescent, Edinburgh EH12 9GJ (“the Property”)

Title No: MID195266

The Parties:

Mr Ilmars Delele, 38 Torwood Avenue, Edinburgh EH12 9GJ (“the Tenant”)

Mr Colin MacAndrew, 58 Pentland Drive, Edinburgh EH10 6PX (“the Landlord”)

**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 not failed to comply with that duty.

Background

1. On 3 September 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 the oven requires a professional deep clean due to heavy burnt-on residue, there is a missing glass shelf under the largest freezer drawer, the washing machine generates strong vibrations and requires inspection by an engineer, the sink sealant is broken and require resealing, the kitchen floor has started creaking and the kitchen tap leaks intermittently.

The Inspection

3. The Tribunal Members inspected the Property on the morning of 11 June 2026 and were admitted by the Tenant. The Landlord was represented by Mr Jamie More of More Management and Lettings, Edinburgh.

4. A 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. The Tenant and his wife were present. The Landlord was also present and was represented by Mr More.
6. The findings of the Inspection are summarised below:
 - (i) The property comprises a second-floor flat within a modern four storey block of flats with brick and rendered walls and a tiled roof, erected approximately 10 years ago. The accommodation comprises living room, two bedrooms, kitchen and bathroom. There is gas-fired central heating and upvc double glazing.
 - (ii) There are burnt-on splatter marks on the ceiling of the oven.
 - (iii) The glass shelf supporting one of the freezer drawers is missing.
 - (iv) The washing machine makes vibration sounds but they do not appear to affect its functionality.
 - (v) The sealant around the kitchen sink has been renewed.
 - (vi) There is a creaking sound when the flooring adjacent to the oven and hob is walked upon.
 - (vii) The kitchen tap was dripping at the inspection, but when the hot water tap was turned off more tightly, the dripping stopped.
7. The Tenant told the Tribunal that he and his wife have not used the oven since they moved into the Property in March 2025, as it is so dirty. The freezer drawer cannot be safely pulled out, as it does not have the support from the glass shelf that should be beneath it. It was missing when the tenancy began. The washing machine is very noisy and does not operate properly in spin mode. The Tenant works from home and finds the noise distracting when he is on conference calls. An engineer tried to balance the washing machine in December 2025 and said that the issue was caused by the flooring. The sealant around the kitchen sink has been renewed. The creaking sound in the floor had disappeared during the summer but had then returned. It was investigated by the Landlord to the extent of removing the kick-plates of the units and inspecting what lay behind them, but the Tenant's view was that there may be a structural issue with the suspended floor beneath and that it should be lifted to allow further investigation and repair. The Tenant was concerned that the leak from the kitchen tap might cause an overflow. It had been raised with the Landlord's letting agents on 19 August 2025, but it was not until December 2025 that a plumber arrived to fix it. He replaced a seal, but the problem returned the following day and the Tenant called the plumber who said he would recommend to the letting agents the installation of a new mixer tap. The Tenant had heard nothing since then. The Tenant accepted that he had not reported the failure of the repair to the letting agents.
8. For the Landlord, Mr More advised that a professional oven cleaning company have been instructed to carry out a deep clean, which is scheduled for 1 July

2026. The engineer will strip out the oven and apply appropriate chemicals. Mr More has referred them in particular to the element and the roof of the oven.

9. Mr More told the Tribunal that the engineer who had inspected the washing machine had not recommended any repair work. Mr More had ordered vibration pads to be delivered to the Property but accepted that he had not advised the Tenant of this and had not checked whether they had arrived at the Property. The Tenant confirmed that they had not arrived. Mr More said that he would follow up on the ordering of the pads.
10. In relation to the kitchen floor, Mr More confirmed that the issue was within a very confined area. He contended that it would take a lot of investment and would be very disruptive to lift the suspended floor. The Tenant responded that the flooring appeared to be panels which click together, so should be relatively easy to access and repair.

Reasons for Decision

11. 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.
12. The Tribunal noted that a deep clean of the oven is scheduled for 1 July 2026. In the view of the Tribunal, the extent of the residue does not render it unusable, so it does not fail to meet the repairing standard. Overall, the oven is in a reasonable state of repair and proper working order. Although not ideal, the issues with cleanliness noted by the tenant are not sufficient to fail to meet the requirements of the repairing standard.

There is a glass shelf missing in the freezer, but its absence does not constitute a repairing standard issue, although the Tribunal would recommend that it be replaced, which should be a simple matter. Again, although not perfect, the freezer was in a reasonable state of repair and in proper working order. Evidence of its full use by the tenant was clear on inspection.

The Tribunal saw no evidence to suggest the vibration from the washing machine is excessive and noted that the letting agents intends to supply vibration pads. Although an irritation, the provision of the vibration pads is for the convenience and comfort of the tenant rather than because the washing machine itself does not meet the repairing standard.

The Tribunal noted that the flooring immediately in front of the oven creaks when walked upon but did not regard this as abnormal and was of the view that it would not be proportionate to require the vinyl and flooring beneath to be lifted. There is insufficient evidence that there was any issue with the structure and state of repair of the property.

The dripping from the kitchen mixer tap stopped when the Tribunal Chair turned off the hot water tap more tightly, so it is not constant. It should be investigated and, if necessary, the mixer tap should be replaced, but there is no danger of the sink overflowing as a result of the occasional drip problem. Indeed, overall, the tap was in a reasonable state of repair.

13. The landlord made it clear at the Hearing that he wanted any reported repairs to be dealt with, even if that included replacing the washing machine. The Tribunal accepted the willingness of the Landlord to resolve matters and decided to delay making its Decision until after 1 July 2026 and asked the Parties to inform the Tribunal of any repairs and other works carried out, especially the deep cleaning of the oven. It seemed to the Tribunal that providing vibration pads, supplying a replacement glass shelf for the freezer and investigation and, if advised, replacing the mixer tap were straightforward and relatively inexpensive matters that the landlord could deal with for the tenant's comfort and convenience. However the problems raised by the tenant were not sufficient to warrant any failure of the repairing standard.
14. The Tribunal has not received any further communication from either Party confirming whether any further works had been carried out

Decision

15. Having considered carefully all the evidence before it, the Tribunal made a finding that the Landlord has/has not failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.
16. The Tribunal's Decision was unanimous.

G Clark

Legal Member 13 July 2026

Housing and Property Chamber

First-tier Tribunal for Scotland



Flat 7, 38 Torwood Crescent, Edinburgh EH12 9GJ

FTS/HPC/RP/25/3800

Schedule of photographs taken on 11 June 2026



Photograph 1: Front elevation (2nd floor)

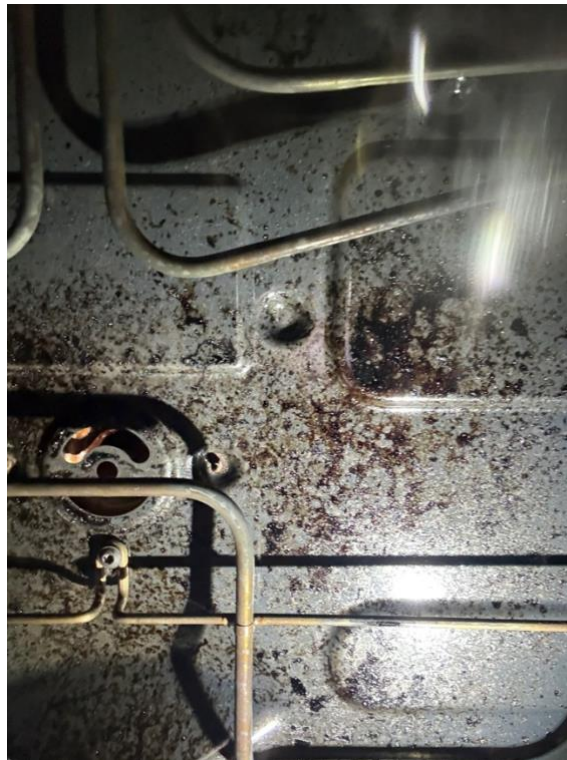
Photograph 2: Kitchen: Oven (door open)



Photograph 3: Kitchen: Oven floor



Photograph 4: Kitchen: Oven ceiling



Photograph 5: Kitchen: Oven – door closed



Photograph 6: Kitchen: Freezer shelf missing above bottom drawer



Photograph 7: Kitchen: Freezer (general view)



Photograph 8: Kitchen: Washer/dryer



Photograph 9: Kitchen: Sealant to sink top



Photograph 10: Kitchen: Sink tap



Photograph 11: Kitchen: floor in front of oven



Photograph 12: Kitchen: Boiler



Photograph 13: Kitchen: Carbon monoxide detector



Photograph 14: Kitchen: Heat detector



Photograph 15: Hallway: Smoke detector



Photograph 16: Living room: smoke detector



Photograph 17: Kitchen: general view

