

**Housing and Property Chamber  
First-tier Tribunal for Scotland**

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**Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006**

**Chamber Reference number: FTS/HPC/RP/25/0469**

**Re: Property at 38 Hillwood Terrace, Ratho Station, Newbridge EH28 8QA (“the Property”)**

**Title No: MID63267**

**The Parties:**

**Miss Cassie Allan, 38 Hillwood Terrace, Ratho Station, Newbridge EH28 8QA (“the Tenant”)**

**Mr Miraz Alam, 21 Delaporte Close. Epsom, Surrey KT17 4AF (“the Landlord”)**

**Tribunal Members: George Clark, Legal Member  
Robert Buchan, Ordinary (Surveyor) Member**

**Decision**

**The First-tier Tribunal Housing and Property Chamber (“the Tribunal”), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (“the Order”) in respect of the Property made on 15 August 2025, as varied on 6 November 2025 and 16 March 2026 in terms of Section 28(1) of the Housing (Scotland) Act 2016 (“the Act”), and varied on 6 November 2025 and 18 March 2026, that the Landlord has complied with the Order and that a Certificate of Completion of Works should be issued.**

**Background**

1. On 15 August 2025, following an Inspection and Hearing on 7 August 2025, the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) in respect of the Property. The RSEO required the Landlord:

- (i) To repair or replace the front door, threshold and the windows, so that they are wind and water tight, in a reasonable state of repair, and in proper working order, including being capable of being opened, closed and on the ground floor, lockable.
  - (ii) To instruct a suitably competent joiner to remove the damaged ceilings of the living-room and kitchen. The joiner should provide the Tribunal for their further consideration, with a report, including photographs of the condition of the ceiling joists and the floor below the bathroom above, together with, if necessary, any recommendations for treatment or repair/removal of the joists and floor.
  - (iii) If the bathroom floor has to be replaced then this would necessitate the removal and re-instatement of the bathroom fittings but if the floor and joists are found to be sound, to test the bath and shower for any leakage and include the outcome of this testing in the report to the Tribunal.
  - (iv) To reinstate the ceilings but not until the Tribunal has had an opportunity to consider the terms of the joiner's report and to provide any Variation as it may deem necessary to the terms of this Order.
  - (v) To suitably fix the ground floor wc, such that it is in a reasonable state of repair and in proper working order.
  - (vi) To suitably seal and repair all drains, so that they are in a reasonable state of repair and in proper working order.
2. The Tribunal ordered that the necessary report be produced and the repair works completed within three months of the date of service of the Order on the Landlord.
  3. On 6 November 2025 the Tribunal varied the Order to extend the date by which the works were to be carried out and on 18 March 2026 the Tribunal varied the Order again, to amend Item (iv) to read "To reinstate the ceilings."

### **Summary of the issues**

4. The issues to be determined were whether the Landlord has carried out the works required by the RSEO and has, therefore, complied with the RSEO.

## Reasons for Decision

5. The Tribunal reinspected the Property on 20 April 2026. The Tenant and her mother and the Landlord were present.
6. The Tribunal found that the Landlord has undertaken the following work relating to the RSEO:
  - a) The front door and threshold have been replaced.
  - b) Windows have been repaired or replaced.
  - c) A Damp and Timber Survey by Neil Marsden, Independent Damp and Timber Consultants was carried out on the property on 12 December 2025 and a copy of the report was provided to the Tribunal. This report found no decay or significant dampness, and as a result, the damaged sections of ceilings have been repaired.

The bathroom has been renovated including a new suite of bath, with new shower over, wc and wash-basin, new flooring and wall boards.
  - d) The ground floor wc has been fitted with a new cistern, secured to the wall, new toilet seal, new taps and pipes.
  - e) Some new waste pipes have been fitted and all drains tested for leakage.
7. The Tribunal noted that the kitchen window is not draughtproof and there is a hole in the corner of the kitchen worktop which adjoins the window panel.
8. A copy of the Reinspection Report was sent to the Parties for comment.
9. On 12 May 2026, the Tenant's representatives provided her written response. She contended that the RSEO had not been complied with and sought a Rent Relief Order of up to 90% of the rent and, if the Tribunal was not minded to make such an Order, the fixing of a Hearing. The Tenant said that the Reinspection Report did not record full compliance, as it identified that the kitchen window is not draughtproof and that there is a hole in the corner of the kitchen worktop adjoining the window panel. In addition, since the reinspection, the kitchen ceiling had deteriorated again after being plastered and the windows and doors still move when opened and closed.

10. On 18 May 2026, the landlord provided his response to the Reinspection Report. He provided an email from a contractor which confirmed that the contractor had checked the ceiling and concluded that the problem was due to plaster not holding. He had removed it, checked inside the ceiling and covered it with wooden board and repainted it. He had also checked the seals of all the windows and doors and confirmed they are all in proper working order and wind and water-tight.
11. On 22 May 2026, the Tenant's representative provided a further response, stressing that her concern as to whether the underlying cause of the earlier water damage had been identified and properly remedied.
12. On 28 May 2026 the Landlord made further submissions. They related to a separate issue with the central heating boiler, but he cited it as evidence of his willingness to carry out repairs as quickly as possible. He recognised that, in time, the windows should be replaced, but this was not possible financially in a situation where the Tenant had paid no rent since February 2025 and had rent arrears in excess of £18,000. On 9 June 2026, he expressed to the Tribunal his view that the RSEO required repair, not renovation and that he had carried out all the work as per the Tribunal's instructions.
13. The Tribunal considered carefully the findings at its reinspection and the representations made by both Parties. The view of the Tribunal was that the landlord has attended to all the issues set out in the RSEO and that a Certificate of Completion should be issued. The hole in the kitchen worktop is more likely to be due to water from the sink and dishes rather than the result of a problem with the window. The Tribunal had been given a comprehensive view of the area above the kitchen ceiling before reinstatement work was carried out and was satisfied that the post-reinspection problem was simply non-adhesion of the renewed plaster, which had fairly promptly been attended to by the Landlord. The Tribunal accepted that the repair to the kitchen ceiling left an unattractive finish but was satisfied that it no longer fails to meet the repairing standard. A photograph provided by the Landlord showed that a suitable sealing had been applied to the kitchen window to ensure now that it is fully wind tight.
14. The Tribunal did not consider that a further Hearing would be proportionate. The Parties had made detailed written representations and the Tribunal's view was that a further Hearing at public expense was not necessary or justifiable.
15. The Tribunal's Decision was unanimous.

## **Decision**

16. The Tribunal determined that the Landlord has complied with the Order made by the Tribunal on 15 August 2025 and varied on 6 November 2025 and 18 March 2026 and that a Certificate of Completion of Works should be issued.

17. The decision of the Tribunal was unanimous.

## **Right of Appeal**

In terms of section 46 of the Tribunals (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 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.

**GEORGE CLARK**

Signed

Legal Member/Chair

Date: 15 June 2026