

Housing and Property Chamber

First-tier Tribunal for Scotland



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

(Hereinafter referred to as “the tribunal”)

Statement of decision of the Tribunal under Section 25 of the Housing (Scotland) Act 2006

Case Reference number: FTS/HPC/RP/25/3688

Re: 46 Sandyknowes Road, Cumbernauld G67 2PG

Land Register Title No: DMB49427

The Parties:-

Ms Avril Cairnie, formerly residing at 46 Sandyknowes Road, Cumbernauld G67 2PG (“the former tenant”)

Mrs Oluwakemi Awotunde, 139 Roundtable Road, Bromley BR1 5LF (“the landlord”)

Tribunal Members – Sarah O'Neill (Legal Member) and Nick Allan (Ordinary (Surveyor)) Member

Repairing Standard Enforcement Order Against:

Mrs Oluwakemi Awotunde (the Landlord)

Background

1. The tribunal issued a decision on 20 April 2026 requiring the landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the tribunal on the same date.
2. The RSEO required the landlord to:
 - 1) Instruct a timber and damp specialist company which is registered with the Property Care Association to produce a report confirming the cause of the dampness within the property, specifically, but not limited to, the dampness affecting the gable wall of the living room on the first floor and the bedrooms. Send a copy of the report to the tribunal for its approval. Once the report has

been approved, carry out any remedial works recommended in that report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.

- 2) Replace the failed glazing units throughout the property to ensure that the windows are all wind and watertight, in a reasonable state of repair and in proper working order.

The tribunal ordered that all of the works must be carried out and completed within the period of three months from the date of service of the RSEO.

3. On 5 June 2026, an email was received from the landlord. Attached to the email was a report by Angus Orr Property Preservation Ltd in respect of the house dated 14 May 2026. The landlord asked the tribunal to review the report and grant approval so that the works could commence.
4. On 30 June 2026, the tribunal wrote to the landlord to advise that it was unable to approve this report, as it did not meet the requirements set out in the RSEO. It noted that the report identified evidence of dampness within the property and recommended internal works but did not identify the root cause of the dampness. The tribunal stated that as it had explained at the hearing, the dampness issues within the property would not be resolved unless the underlying causes of the dampness are identified and addressed. The tribunal therefore suggested that the landlord should obtain another report which meets the requirements set out in the RSEO.
5. On 1 July 2026, a further email was received from the landlord. Attached to the email was a report by Wise Property Care in respect of the house dated 29 May 2026. In a further email of 3 July 2026, the landlord requested an extension of 3 months to the deadline specified in the RSEO to allow sufficient time for the required contractors to carry out the works specified in the Wise Property Care report.
6. The tribunal approves the Wise Property Care Report. It notes, however, that the report identifies external issues with the roof external roughcast and defective sealant surrounding the window and timber cladding to the second floor rear elevation of the house. It recommends that the landlord should instruct her own builder/roofer to address these items. As noted previously, these underlying causes should be identified and addressed prior to any internal dampness works taking place.
7. While it is for the landlord to instruct the necessary works, the tribunal therefore notes that she may wish to instruct a builder/roofer to address these external issues before instructing Wise Property Care to carry out any internal

works. Further investigation will be required by any such external contractors to determine what work needs to be done.

8. In the circumstances, the tribunal determines that it would be reasonable to vary the RSEO to allow the Landlord more time to carry out the required repairs.
9. In all the circumstances, the tribunal decided to extend the period for the completion of the works for three months until **23 October 2026**, to allow time for the works to be completed.

Rights of Appeal

10. 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.
11. 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.

Signed **S O'Neil**

Date: 22 July 2026
Sarah O'Neill, Chairperson