

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RP/25/0421

Property: 69 Mahon Court, Moodiesburn, G69 0QF ('The House')

The Parties: -

Rebecca Chester, 16 Askew Drive, Spencers Wood, Reading, Berkshire, RG7 1HG ("the landlord")

Brian Nugent, 69 Mahon Court, Moodiesburn, G69 OHF ("the tenant")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having made such enquiries as are fit for the purposes of determining whether the Repairing Standard Enforcement Order dated 24 July 2025 has been complied with determined that the Repairing Standard Enforcement Order has been complied with and that a Certificate of Completion should be issued in accordance with section 60(5) of the Housing (Scotland) Act 2006.

The decision was unanimous.

The Tribunal consisted of: -

Mary-Claire Kelly, Chairing and Legal Member

Kingsley Bruce , Ordinary Member (surveyor)

Background

1. By application accepted on 15 April 2025, the former tenant, Brian Nugent applied to the First-tier Tribunal (Housing and Property Chamber) for a determination of whether the landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.
2. The application stated the landlord had failed to comply with the duty to ensure that the house meets the repairing standard and that the landlord had failed to ensure compliance with the section 13(1) of the Act.
3. An inspection and hearing took place on 24 July 2025. Following the hearing the Tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the application. The RSEO required the landlord to carry out the following works within 8 weeks of the date of service of the RSEO:
 - 1) *Carry out such repairs as are necessary to ensure the internal doors are fully functioning, capable of remaining closed and in a reasonable state of repair or replaced.*
 - 2) *Carry out such repairs as are necessary to ensure the front door is fully functioning, lockable and in a reasonable state of repair or replaced.*
 - 3) *Carry out such repairs as are required to ensure the electric heaters in the living room, hall and bedroom are in proper working order or replaced. Evidence or certification to show that the storage heaters are in proper working order should be produced*
 - 4) *Carry out such works as are required to ensure that the hot water tap in the kitchen is in a reasonable state of repair and proper working order.*
 - 5) *Carry out such repairs as are required to ensure that the communal back door is secure and that the tenant is provided with a key to allow access.*
4. A re-inspection took place on 9 February 2026. Reference is made to the Tribunal's decision dated 21 April 2026. The Tribunal determined that the landlord had complied with items 1 and 2 on the RSEO. In relation to item 5 the Tribunal determined that due to the lack of consent from other owners to the repair to the communal door, the exception to the repairing standard contained in section 16(4) and (5) of the 2006 applied. The Tribunal varied the RSEO. The Tribunal extended the period of time for the landlord to carry out items 3 and 4 for a further 8 weeks.

3. Following the expiry of the period for completion of the works a re-inspection was scheduled for 16 July 2026.

Reasons for decision

4. The Tribunal re-inspected the property on the afternoon of 16 July 2026. On 27 March 2026 the former tenant had notified the Tribunal that he had secured a new tenancy. At the re-inspection the landlord was in attendance in the property. She confirmed that the former tenant had moved out of the property. A schedule of photographs taken at the inspection are annexed to this decision and is held to be incorporated herein.
5. The Tribunal considered the outstanding items in the RSEO in turn:
Electric heaters: It was observed at the re-inspection that new electrical heaters had been installed in the living room, hallway and both bedrooms. The new heaters had been hardwired and are in proper working order. The landlord stated that the former tenant had objected to heaters being hard wired which was why they had not been hard wired at an earlier date.
6. Kitchen tap: The Tribunal observed that the flow from the hot water tap in the kitchen had increased since the previous inspection. No repair works had been carried out however, the flow from the tap was measured through a water gauge as being 7 litres per minute. The Tribunal considered this to be a reasonable rate of flow and compliant with the Scottish Government guidance.
7. The Tribunal was satisfied based on the findings at the re-inspection on 16 July 2026 that the landlord had complied with the RSEO and determined to issue a completion certificate.

Decision

The tribunal determined that the RSEO had been complied with and proceeded to issue a Certificate of completion.

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.

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.

M-C Kelly

Chairperson:

Date: 16 July 2026