

Housing and Property Chamber

First-tier Tribunal for Scotland



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 Ref: FTS/HPC/RT/21/0126

Re: Property at 42 Dykehead Place, Dundee DD4 6TL (“the Property”)

Sasine Description: ALL and WHOLE the dwellinghouse and others known as Number 42 Dykehead Place, Dundee, being the subjects more particularly described in Feu Disposition by Scottish Homes in favour of Ghulam Qadar and Zahida Qadar recorded in the Division of the General Register of Sasines applicable to the County of Angus on 23 April 1998

Parties:

Dundee City Council, Private Sector Services Unit, 5 City Square, Dundee DD1 3BA (“the Third Party Applicant”)

Ms Alison Williamson, sometime 42 Dykehead Place, Dundee DD4 6TL (“the Tenant”)

Mr Ghulam Qadar and Ms Zahida Qadar, 367 Clepington Road, Dundee DD3 8ED (“the Landlord”)

Tribunal Members:

George Clark (Legal Member/Chair) and 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 28 July 2021, as varied on 29 March 2022 and 9 May 2022 in terms of Section 28(1) of the Housing (Scotland) Act 2016 (“the Act”) determined that the Landlord has complied with the Order and that a Certificate of Completion of Works should be issued.

Background

1. On 28 July 2021, following an Inspection and Hearing on 15 July 2021, the Tribunal made a Repairing Standard Enforcement Order (“RSEO”) in respect of the Property.
2. The RSEO required the Landlord, within the period of two months from the date of service of the RSEO:
 - a) To repair or replace the kitchen cupboard doors and underboards to ensure that the doors all open and close properly.
 - b) To obtain a report from a reputable firm of timber specialists in respect of damp/water ingress in the kitchen and provide the Tribunal with a copy of said report and details of any work carried out subsequent to the report, which work must satisfactorily remove the dampness, repair any damage to the floor and replace the floor below the boiler.
 - c) To provide the Tribunal with an Electrical Installation Condition Report prepared by a member of SELECT, NICEIC or NAPPIT and dated after the date of this order. The report must include reference to the provision and operation of the smoke, heat and carbon monoxide detectors, and to the safety of the power points below the sink and behind the washing machine.
 - d) To provide the Tenant with a replacement shower screen or curtain in the bathroom of the Property.
3. The Tribunal, following later reinspections, decided that it was satisfied that Items a), c) and d) of the RSEO had been dealt with. The Tribunal granted two Variations of the RSEO, giving the Landlord additional time to comply with Item b).
4. The Tribunal reinspected the Property on 19 July 2022 and found that whilst it appeared that the kitchen floor had been inspected by a specialist and a quotation obtained for work to be carried out, no work had been done. Dampness was noted on the floor as shown by a moisture meter. The floor below the boiler had not been repaired and a loose-fitting cover had been placed above it. Accordingly, the Landlord had failed to comply with the RSEO.
5. On 24 November 2022, having been advised by the Third Party Applicant that the Landlord had indicated that all the work required by the Order had been carried out, the Tribunal inspected the Property yet again.
6. The Tribunal was satisfied that the work required to the kitchen floor had been carried out. No moisture was detected when the area was tested with a moisture meter. The Tribunal was, however, disappointed to note that the

cover placed above the floor below the boiler had still not been sealed around its edges and did not have a front plate, which would have “boxed-in” the relevant area, to ensure that it was wind and water tight and that it could not admit rodents from outside to the kitchen of the Property.

Reasons for Decision

7. The Tribunal reinspected the Property on 6 July 2026 and found it to be vacant and undergoing extensive renovation. The Landlord was present and the Third Party Applicant was represented by Mr Byron Young. A Property Re-inspection Report, including photographs taken at the Re-inspection is attached to and forms part of this Decision.
8. As indicated in the Report, the Tribunal is satisfied that the work which remained outstanding from the RSEO has now been completed as part of the ongoing renovation of the Property.
9. 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.

G Clark

Signed

Legal Member/Chair

Date: 13 July 2026

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)
Housing (Scotland) Act 2006
Property Re-inspection Report



Property address: 42 Dykehead Place, Dundee, DD4 6TL

Chamber Reference Number: HPC/RT/21/0126

Date of further re-inspection: 6th July 2026

Surveyor: Mr R Buchan, FRICS, accompanied by Mr G Clark, Tribunal chairman.

Circumstances of inspection: The weather was dry. The property is not tenanted. Works of repair and improvement are being carried out.

In attendance: In attendance with the Tribunal members were the Landlord, Mr Ghulam Qadar and Mr Byron Young from Dundee City Council.

Repairing Standard Enforcement Order (RSEO)

An RSEO was served on the Landlords, Mr Ghulam Qadar and Ms Zahida Qadar, following an inspection and hearing of the Tribunal on the 15th July 2021.

The Landlord was required to carry out the following work under the terms of the RSEO:

- (a) To repair or replace the kitchen cupboard doors and underboards to ensure that the doors all open and close properly.
- (b) To obtain a report from a reputable firm of timber specialists in respect of damp/water ingress in the kitchen and provide the Tribunal with a copy of said report and details of any work carried out subsequent to the report, which work must satisfactorily remove the dampness, repair any damage to the floor, and replace the floor below the boiler.
- (c) To provide the Tribunal with an Electrical Installation Condition Report prepared by a member of SELECT, NICEIC or NAPPIT and dated after the date of this order. The report must include reference to the provision and operation of the smoke, heat and carbon monoxide detectors, and to the safety of the power points below the sink and behind the washing machine.
- (d) To provide the Tenant with a replacement shower screen or curtain in the bathroom of the property.

Works carried out

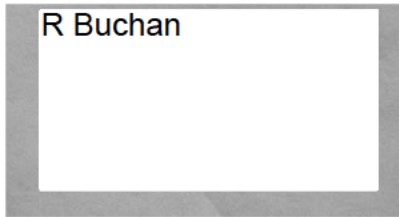
The Landlord had carried out works to attend to items (a), (c) and (d). Following re-inspections and further hearings, two variations to the RSEO were made to grant further time for the landlord to attend to item (b). Following a re-inspection of the property on the 24th November 2022, the Tribunal found that work to eradicate the dampness in the kitchen floor had been carried out but that the area below the boiler was still not wind and water tight. Accordingly, the Tribunal determined that the Landlord had not complied with the RSEO and issued a Failure to Comply Notice.

This re-inspection was carried out following advice from the Landlord that the outstanding work had been completed.

The kitchen is being modernised in that new base and wall storage units are being fitted as well as further extensive upgrading. A modern enclosure to box in the boiler and pipework is now in place.

Photographs were taken and are attached to this report.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.



R Buchan, FRICS

6th July 2026

Photographs attached to re-inspection report
42 Dykehead Place, Dundee, DD4 6TL HPC/RT/21/0126



New Boiler cupboard

Photographs attached to re-inspection report
42 Dykehead Place, Dundee, DD4 6TL HPC/RT/21/0126



Base below the boiler

Photographs attached to re-inspection report
42 Dykehead Place, Dundee, DD4 6TL HPC/RT/21/0126



Indication of works being carried out