



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 24(1) of the Housing
(Scotland) Act 2006**

Reference number: FTS/HPC/RP/25/5105

Re: Property at 19 Bower Mill Lane, Dundee, DD3 9UE (“the Property”)

The Parties:

Mr Chi-Pan Tang (“the Tenant”)

**Ms Shirley Bakhsh, Mr Arshad Bakhsh, Dreamhills, 608, Calle Lago Sanabria 5,
Dreamhills 2, Orihuela Costa, Torrevieja, 03189, Spain (“the Landlord”)**

**Tribunal Members: Ruth O’Hare, Legal Member, and David Godfrey, Ordinary
Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).

The Tribunal accordingly made a Repairing Standard Enforcement Order (“RSEO”) as required by Section 24(2) of the Act.

Background

- 1 This is an application under section 22(1A) of the Housing (Scotland) Act 2006 (“the Act”) by the Tenant for a determination that the Landlord has failed to comply with the duties imposed by Section 14(1)(b) of the Act.
- 2 The application stated that the Landlord had failed to comply with the repairing standard for the following reasons:-
 - (i) The property suffered from persistent mould on the bathroom ceilings and bedroom walls, the cause of which was believed to be mechanical failure of the ventilation system.
- 3 The application was referred to a tribunal for a determination and Notice of Referral was served on the Landlord under Schedule 2, Paragraph 1 of the Act. An inspection and hearing was scheduled to take place on 14 July 2026.

The Tribunal gave notice of the inspection and hearing to the parties and both were invited to make any further written representations on the application.

- 4 The Tribunal received further written representations from the Tenant in advance of the inspection and hearing. The Tribunal also received confirmation from the Landlord that Lara Letting would be acting as their representative in the application.

The inspection

- 5 The tribunal inspected the property on 14 July 2026 at 10am. The weather was dry and overcast. The Tenant permitted access. His wife and son were also present in the property. The Landlord did not attend, nor were they represented.
- 6 The property is a semi-detached house, built in 1996. It has a lounge, two bedrooms, one of which has an ensuite shower room, bathroom, kitchen and office which was converted from the garage.
- 7 The tribunal inspected each room of the property. The windows are all double glazed with trickle vents. The property has gas central heating. Each room has at least one radiator, with the exception of the bathroom and ensuite shower room which have heated towel rails. The tribunal inspected the boiler in the kitchen which has an unsuitably located carbon monoxide alarm placed on top.
- 8 The tribunal inspected the bathroom. Extensive mould could be seen on the ceiling. The ventilation fan did not appear to be operating when the light switch was turned on. The tribunal inspected the ensuite bathroom which had a ventilation fan which operated when the light was turned on. In both bedrooms, there is evidence of mould along the ceilings close to the junction with the external walls.
- 9 The tribunal inspected the loft. The loft is insulated with mineral wool laid between the ceiling joists to the full extent of the surface area.
- 10 Photographs were taken during the inspection and a schedule is appended to this decision.

The hearing

- 11 The hearing took place on 14 July 2026 at 11.30am at Dundee Carers Centre, Dundee. The Tenant was in attendance. He was accompanied by his wife as a supporter, and by an interpreter who had been engaged by the Tribunal.
- 12 The Landlord did not attend, nor were they represented. Shortly prior to the hearing a letter was hand delivered to the hearing venue from Lara Letting confirming that they would be unable to attend the hearing. A letter from the Landlord was included with the correspondence. In summary, the Landlord

accepted the recommendations from the Richardson and Starling survey report instructed by the Tenant and requested further time to carry out the necessary works. The tribunal noted that no request had been made to postpone the hearing and therefore determined to proceed in the Landlord's absence.

- 13 The tribunal heard oral evidence from the Tenant on the application. The following is a summary of the key elements of the evidence.
- 14 The Tenant referred to his written representations which he explained were objective evidence of a breach of the Repairing Standard. He highlighted the report he had instructed by Richardson and Starling which made recommendations to improve the ventilation within the property. He confirmed that the application to the Tribunal was a last resort. He and his family would like to stay at the property once the mould and condensation is rectified. He asked the tribunal to make an order requiring the Landlord to implement the recommendations in the Richardson and Starling report and treat the mould thereafter.

Findings in fact

- 15 The Landlord and the Tenant entered into a private residential tenancy agreement for the property, which commenced on 1 October 2020.
- 16 The Tenant notified the Landlord of the works required prior to making this application to the Tribunal.
- 17 There is evidence of mould in the bathroom, ensuite shower room and the two bedrooms.
- 18 The loft is insulated with mineral wool which covers the entire surface area.
- 19 The ventilation fan in the bathroom is not in proper working order. It cannot be established within the confines of the inspection that the ventilation fans in the bathroom and ensuite shower room are of a type to provide adequate ventilation within the property.
- 20 The property does not meet the tolerable standard as it cannot be established that the property has satisfactory provision for ventilation.

Reasons for Decision

- 21 The tribunal determined the application having regard to the terms of the application, the findings from the inspection, the written representations from the parties and the oral evidence at the hearing. The tribunal was satisfied having regard to all the available evidence that there was sufficient information upon which to reach a fair determination of the application.

- 22 Section 14(1) of the 2006 Act states “*The landlord in a tenancy must ensure that the house meets the repairing standard – (a) at the start of the tenancy, and (b) at all times during the tenancy.*”
- 23 In terms of section 22(1) of the 2006 Act, a tenant can apply to the Tribunal for a determination of whether the landlord has failed to comply with the duty under section 14(1)(b). Section 22(2) of the 2006 Act provides that “*no application under this section may be made unless the person making the application has notified the landlord that work requires to be carried out for the purpose of complying with that duty.*” The tribunal was satisfied, having had sight of the correspondence between the Tenant and the Landlord which preceded the raising of the application, that the Tenant notified the Landlord of the work required prior to making this application to the Tribunal.
- 24 The tribunal therefore considered whether the Landlord has complied with the duties under section 14(1)(b) of the Act.
- 25 The tribunal determined from the findings of the inspection that the upper level of the property is affected by mould and condensation which demonstrates a failure to comply with the repairing standard. The Tenant has provided a solution in terms of the recommendations from the Richardson and Starling report, which the Landlord has agreed to. However, the tribunal is not satisfied that the proposed remedial works will address the root cause of the issue. The tribunal found other issues during its inspection which may suggest alternative remedies may be appropriate. In particular, the tribunal believes that the extent of the insulation in the loft may be a contributing factor to the moisture within the property, in terms of restricting airflow in that area. The tribunal considers it would also require further assessment of whether the two ventilation fans in the bathroom and ensuite shower room are fit for purpose when in an operable state. It was noted during the tribunal’s inspection that the bathroom fan is not working albeit an electrician had attended the property during the inspection to attend to this.
- 26 The tribunal therefore determined that further investigation is required on the part of the Landlord through the instruction of a specialist report that specifically addresses the above matters before consideration can be given to what remedial works are required. Once in receipt of the report, the tribunal will determine what further procedure is appropriate.
- 27 The tribunal therefore determined that the Landlord had failed to comply with the duties under section 14(1)(b) for the above reasons and in terms of the following provisions of the Act:
- (i) In terms of section 13(1)(h), the house does not meet the tolerable standard in that it does not have satisfactory provision for ventilation.
- 28 The Act states that where a tribunal decide that a landlord has failed to comply with their duty in that respect, the tribunal “*must by order require the landlord to carry out such work as is necessary for the purpose of ensuring that the house*

concerned meets the repairing standard". The tribunal accordingly determined to make a Repairing Standard Enforcement Order as required in terms of Section 24(2) of the Act, requiring the Landlord to carry out further investigation into the cause of the moisture within the property and report back to the tribunal. The tribunal further determined that an appropriate timescale for the work to be carried out is one month.

29 The decision of the tribunal was unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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 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 determined.

Ruth O'Hare

14 July 2026

Legal Member/Chair

Date