



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/23/1477

18 Speckled Wood Court, Dundee, DD4 0LY (“the Property”)

Parties:

**Farthings Corner Investments Ltd, 3 Farthings Cottages, Grange Lane,
Sandling, Maidstone, ME14 3DB (“the Landlord”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Robert Buchan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (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 (“RSEO”) relative to the property dated 22 August 2023, determined that the Landlord has complied with the order and that a certificate of completion to that effect should be issued.

Background

- 1. By application dated 10 May 2023, the former Tenant applied to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006. She stated that the Landlord had failed to ensure that the property met the Repairing Standard.**
- 2. The parties were notified that the Tribunal would carry out an inspection of the property on 10 August 2023 at 10am and that a hearing would take place thereafter at Endeavour House, Dundee.**
- 3. The Tribunal inspected the property 10 August 2023. The former tenant and her partner were present and provided access. The hearing took place at Endeavour House, Dundee. The former tenant, her partner and her representative attended. The landlord did not attend and was not represented.**

4. Following the inspection and hearing the Tribunal issued an RSEO which required the Landlord to do the following, within eight weeks of intimation of the Order: -
 - (a) Provide a current Electrical Installation Condition Report (EICR) dated after the date of this order from a SELECT, NICEIC OR NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the property confirming the installation and apparatus is fully functioning and meets current regulatory standards and containing no category C1 or C2 items of disrepair. The EICR should include specific reference to the provision of smoke and heat detection in accordance with existing Scottish Government guidelines
 - (b) Undertake any C3 recommended repairs mentioned in the forgoing EICR.
 - (c) Repair or replace the broken and missing window handles in the kitchen and living room of the house so that they are in proper working order.
 - (d) Replace the broken glazing in the window in the bathroom.
 - (e) Repair or replace the missing and broken door and drawer fronts on the kitchen cabinets so that they are in a reasonable state of repair and proper working order.
 - (f) Re-instate the cupboard door in the smallest room so that it is in a reasonable state of repair and in proper working order.
 - (g) Replace all broken pendant light fittings in the house.
 - (h) Provide a report from a suitably qualified building surveyor who is a member of the Royal Institution of Chartered Surveyors commenting on the causes of staining and mould in the house and the measures required to remedy the defects
5. The Tribunal re-inspected the property following expiry of the time limit specified in the RSEO. On 15 February 2024, the Tribunal determined that the former Landlord had failed to comply with the RSEO. A written decision with statement of reasons was issued to the parties. The Tribunal also issued a Rent Relief Order reducing the rent payable by the former tenant by 90%.
6. On 21 January 2026, the Tribunal wrote to the current Landlord, having discovered that the property had been sold to them on 30 September 2024. The new Landlord requested a re-inspection of the property. They advised that the property had been fully re-furnished. The new Landlord was added to the case.
7. On 5 February 2026, the former Tenant's representative notified the Tribunal that she had been evicted from the property on 6 March 2024 and was no longer the tenant. The Tribunal removed the former tenant from the case as she was no longer a party to the application.

8. The Tribunal inspected the property on 10 August 2026 at 12.30pm. Access was provided by the current tenant, Temitope Williams. The Landlord's agent Mr Cruikshank was also present.

The re-inspection

9. The Tribunal noted the following; -
 - (a) An EICR had not been submitted. Mr Cruikshank stated that a current EICR could be provided this to the Tribunal.
 - (b) The windows in the property have been replaced with new UPVC double glazing.
 - (c) The kitchen units have been replaced with new units.
 - (d) The cupboard door in the small bedroom has been re-instated.
 - (e) The broken light fittings have been renewed.
 - (f) The Tribunal has not been provided with a report regarding dampness. However, the affected rooms have been re-decorated, and no mould or dampness were evident during the re-inspection. Mr Cruikshank advised the Tribunal that he thought that the dampness had been lifestyle related condensation.

Further procedure

10. Following the re-inspection, a report with photographs was issued to the Landlord's agent for their comments. No comments were received. However, the agent submitted an EICR dated 26 February 2026.

Findings in Fact

11. The current owner and Landlord has provided the Tribunal with an EICR dated 26 February 2026 with no category C1, C2 or C3 recommendations.
12. The windows in the property have been replaced with new UPVC double glazed units.
13. The kitchen units in the property have been replaced.
14. The cupboard door in the small bedroom has been re-instated.
15. The broken light fittings in the property have been renewed.

16. The Tribunal has not been provided with a report regarding dampness within the property.
17. The property is not currently affected by dampness or mould.

Reasons for Decision

18. The Tribunal considered the condition of the property at re-inspection as well as the Landlord's submissions received prior to the re-inspection and the EICR submitted after the re-inspection.
19. The Tribunal notes that the former owner and landlord failed to comply with the RSEO. The current owner/Landlord purchased the property while it was subject to the RSEO and has re-let it to the current tenant.
20. The Tribunal has been provided with a current EICR which is in satisfactory terms. The Landlord has therefore complied with parts 1 and 2 of the RSEO.
21. Since the property was last inspected by the Tribunal, extensive refurbishment has been carried out. This has included the installation of new kitchen units and windows throughout the property. The Tribunal is satisfied that the Landlord has complied with parts 3, 4 and 5 of the RSEO.
22. Since the property was last inspected by the Tribunal, the damaged light fittings have been repaired or replaced and the cupboard door in the small bedroom has been re-instated. The Tribunal is satisfied that the Landlord has complied with parts 6 and 7 of the RSEO.
23. Although the Tribunal was not provided with a report in relation to mould or dampness by the former or current landlord, the Tribunal noted that the property is currently free from damp and mould. As the Landlord has refurbished and re-decorated the property since he purchased it in September 2024, and as there was no evidence of mould or dampness when the property was re-inspected, the Tribunal is satisfied that a report is no longer required and that the Landlord has complied with Part 8 of the RSEO.

Decision

24. The Tribunal determined that the Landlord has complied with the RSEO and that a certificate of completion should be issued
25. The decision of the Tribunal is unanimous.

Right of Appeal

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.

In terms of Section 63 of the Act, 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.

Josephine Bonnar, Legal Member

16 September 2026