Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 25(1) and 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RT/24/0177

Title Number DMB13712 112G Beechwood Drive Bonhill G83 9LY ("the Property")

Parties: West Dunbartonshire Council, Environmental Health, Council Offices 16 Church Street Dumbarton G82 1QQ ("the Third Party Applicant")

Mr Danut Colceiru, 112G Beechwood Drive Bonhill G83 9LY ("the Tenant")

Mr David Aitken, 19B Conic Way, Drymen G83 0QT ("the Landlord").

Tribunal Members: Lesley Ward (Legal Member) and Andrew McFarlane Ordinary Member)

Decision

1. **The First-ter Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determined that the Landlord has complied with the repairing standard enforcement order dated 2 May 2024.**
2. **The tribunal determines to issue a certificate in terms of section 60(5) of the Act.**

Background

3. The tribunal issued a repairing standard enforcement order (RSEO) on 2 May 2024 and this was intimated to the Landlord on 7 May 2024 in the following terms:

In particular the Tribunal now requires the landlord:

(1) To produce a current satisfactory Electrical Installation Condition Report (EIRC) from a SELECT, NICEIC or NAPIT accredited electrician in respect of the property containing no category C1 or C2 items of disrepair.
(2) To install smoke and heat detection in accordance with existing Scottish Government Statutory guidelines.
(3) To investigate and remedy the source of water ingress from the common roof to ensure that the property is wind and watertight.
(4) To replaster and redecorate the ceiling in the hallway of the property.

4. The Landlord failed to comply and on 23 September 2024 the tribunal determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order

dated 2 May 2024 ("RSEO") within the period of time set out in the RSEO. Notice of the failure was to be served on the local authority. The Tribunal also determined to make a rent Relief Order. The Tribunal's decision was unanimous.

5. The property was repossessed by the heritable creditor and sold. On 17 August 2026 the tribunal received correspondence from the new owners of the property. They provided a current produced by an accredited person which confirmed the property had been rewired. They also provided photographs which showed the hallway had been redecorated and smoke and hear detectors had been fitted.

6. The tribunal has decided to issue a certificate of compliance with the RSEO without the need for a re-inspection of the property.

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.

L Ward

5 October 2026

Legal Member **Date**