Housing and Property Chamber
First-tier Tribunal for Scotland

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

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26(1) of the Housing (Scotland) Act 2006 ("the Act")

Chamber Ref: FTS/HPC/RP/24/2686

Property: 11 PF Cathcart Place (GF), Edinburgh EH11 2HD ('The House')

Title reference: MID242984

The Parties: -

Mamataz Begum Rashid, 5/11 Westfield Court, Edinburgh EH11 2RL ('the landlord')

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) dated 28 January 2025, determined that the Landlord has failed to comply with paragraphs 1, and 2 of the RSEO.

The decision was unanimous.

The Tribunal consisted of: -

Mary-Claire Kelly, Chairing and Legal Member

Robert Buchan, Ordinary Member (surveyor)

Background

1. By application accepted on 13 August 2024, the former tenants applied to the Tribunal for a determination of whether the landlord had failed to comply with the duties imposed by section 14(1)(b) of the Housing (Scotland) Act 2006.
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 following paragraphs of section 13(1) of the Act:
    - *the house is wind and watertight and in all other respects reasonably fit for human habitation*
    - *the installations in the house for the supply of water, gas, electricity and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.*
    - *any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.*
3. The application contained correspondence between the former tenants and the landlord's letting agents sent on 4 July 2024 which specified that the said failure was established as the following work needed to be carried out:
    - *The kitchen counter around the sink is sinking and the cupboards are deteriorating, Additionally, the interior of the cupboards beneath the sink is severely water-damaged and rotten.*
    - *The flooring under the cupboard sink is very broken you can see rats and mice running.*
    - *Heating system not working properly: pressure consistently drops and Scottish gas has recommended replacing it due to its age.*
    - *Some of the heaters are too small to properly warm the home.*

4. A hearing and inspection took place on 28 January 2025. The Tribunal issued a decision in terms of which it was determined that the landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act. A Repairing Standard Enforcement Order ("RSEO") dated 28 January 2025 required the Landlord to:

1. *Remove the base kitchen storage units, sink and worktops in order to repair or replace the rotten floor and missing or defective wall linings, to render them wind and watertight. The repairs should use materials suitable to prevent vermin from entering the interior of the property and to prevent the outbreak of fire behind the gas hob.*

2. *Provide to the Tribunal for their approval, vouching photographs and detailed invoices and receipts of the work carried out.*

3. *Thereafter to renew the base kitchen storage units, sink and worktop so that they are in a reasonable state of repair and in proper working order.*

4. *Exhibit to the Tribunal a new satisfactory Gas Safety Certificate from a suitably qualified Gas Safe engineer in respect of the gas installation, the central heating boiler and the gas hob.*

The Tribunal ordered that the works be completed within a period of three calendar months from intimation of the RSEO on the parties.

5. Following the expiry of the period for completion of the works a re-inspection was scheduled for 25 June 2025. A hearing was scheduled for 18 August 2025.

6. On 22 July 2025, Mr Kazi, one of the joint tenants who had submitted the application emailed the Tribunal stating that he had left the property on 28 February 2025 and requesting that the application be withdrawn. The Tribunal considered whether the application should be determined or whether it should be abandoned, in terms of Schedule 2 Paragraph 7(3) of the Act. In light of the fact that the property had been re-let to new tenants since the previous tenants moved out and the fact that the application covers repairs which may pose health and safety issues for the current and future tenants the Tribunal determined to continue the application. A minute of continuation was issued to parties on 25 July 2025.

Reinspection – 25 June 2025

7. The Tribunal re-inspected the property on 25 June 2025. A re-inspection report was issued to the landlord after the re-inspection which contained a description of the Tribunal's findings and photographs taken during the re-inspection. A hearing took place on 18 August 2025 took place at George House, Edinburgh. The landlord was not present or represented.
5. Based on their findings at the re-inspection the Tribunal determined that that landlord had failed to carry out the works set out in paragraphs 1 and 4 of the RSEO. The Tribunal was satisfied that the work had not been carried out within the required period. The Tribunal determined that the landlord had failed to comply with the RSEO. A written statement of reasons was issued dated 28 August 2025.

2nd Reinspection – 23 July 2026

6. On 12 March 2026 the landlord emailed the Tribunal stating that all outstanding work had been completed. Photographs of the property were included.
8. The Tribunal re-inspected the property on 23 July 2026. A re-inspection report was issued to the landlord after the re-inspection which contains a description of the Tribunal's findings and photographs taken during the re-inspection. It is attached as a schedule to this decision.
7. The re-inspection commenced in the kitchen. As noted at the previous re-inspection new base units had been installed in the kitchen however, various holes were noted at the back of the base units. The holes were of a sufficient size to allow vermin to access the property. The cupboards were not wind and water tight.
8. A photograph of an updated gas certificate was submitted during the inspection. The gas certificate showed that the gas installations were in satisfactory condition.
9. The landlord emailed the Tribunal on 25, 26 and 28 August 2026 stating that works had been carried out to comply with the RSEO. Photographs were included however, they appeared to show no change to the condition of the property since the 23 July 2026.

Reasons for the decision

10. Reference is made to the Tribunal's failure to comply decision dated 28 August 2025. The Tribunal found no improvement to the condition of the kitchen units since the previous re-inspection. There continued to be visible holes in the kitchen base cabinets. The landlord had not provided any additional evidence to show that the rotten floor and missing or defective wall linings had been repaired to render them wind and watertight. The repairs that had been carried out would not prevent vermin from entering the interior of the property. In the absence of any vouching, photographs or detailed invoices and receipts for the work carried out, the Tribunal cannot be satisfied that the rotten floor and the missing or defective wall linings have been replaced satisfactorily.
11. The Tribunal was satisfied that the gas safety report that had been exhibited had been completed by a registered gas safe engineer and determined that paragraph 4 of the RSEO has been complied with.

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.

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: 13 October 2026