

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**DECISION OF THE TRIBUNAL  
UNDER SECTION 26  
OF THE HOUSING (SCOTLAND) ACT 2006**

**The Parties:**

**Phillip Edge and John Edge 29H Union Place, Dundee DD2 1AB ("the Tenant")**

**Sean Gordon Lewis trading as Sean Lewis Properties, 171 Perth Road, Dundee DD2 1AS ("the Landlord")**

**Tribunal Reference number: FTS/HPC/RP/22/0694**

**Tribunal Members:**

John McHugh, Chairperson  
David Godfrey, Ordinary (Surveyor) Member

### **DECISION**

The Tribunal having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order dated 16 June 2022 ("the RSEO") had not been completed.

The decision of the Tribunal was unanimous.

## **Background**

The RSEO required the Landlord to complete the following work within 42 days of service of the RSEO:

- 1 Replace or repair all windows in the House such that they are capable of being open and closed as intended; have working, unbroken handles; and are draught proof.
- 2 Put the exterior rainwater goods into working order such that they are fixed to the building, not leaking and are running freely.
- 3 Repair the wall between the kitchen and rear bedroom such that it is free of dampness.
- 4 Remove all mould and damp stains and redecorate all affected areas.
- 5 Ensure that there is a properly working extractor fan in the bathroom.

## **Reasons for the Decision**

On 7 September 2022, the Tribunal carried out a re-inspection of the House.

At the re-inspection, it was noted that none of the works required by the RSEO had been carried out. The Landlord's representative present at the inspection made oral representations as to arrangements which were in hand to complete the works and to delays occasioned by the lack of co-operation of owners of other flats in the block. She was invited to provide written representations on these matters.

A photographic record of the re-inspection was provided to the Landlord on 9 September 2022. No representations have been received from the Landlord.

## **Right of Appeal**

Section 64 of the Act provides a right of appeal to a party aggrieved by the decision of the Tribunal 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.

John McHugh  
Chairperson

Date: 30 September 2022