

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Statement of Decision: Housing (Scotland) Act 2006 sections 25(1) and 60**

**Chamber Ref:** FTS/HPC/RT/21/1978

**Property Address:** Flat 1/0, 2 Sibbald Street, Dundee DD3 7JA (“the property”)

**The Parties:** Mr Stuart Cuthill, Private Sector Services Unit, 3 City Square, Dundee DD1 3BA (“third party applicant”)

Mrs Faiza Sami Ullah, Flat 1/0, 2 Sibbald Street, Dundee DD3 7JA (“the applicant”)

Mr Javid Alam, Ms Asma Nahid, 4 Fonstane Crescent, Monifieth, Angus DD5 4JZ (“the respondent”)

### **Tribunal members:**

**Mr Mark Thorley (Legal)**

**Mr Angus Anderson (Ordinary)**

### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the work required by the Repairing Standard Enforcement Order dated 8 December 2021 (“the RSEO”) has been completed and resolved to issue a certificate of completion of the work.

The decision of the Tribunal members was unanimous.

### **Background**

The RSEO required the respondent to complete the following works by 21 January 2020:

- a) To investigate the cause of the damp ingress in bedroom 1 and the bathroom from a suitable qualified damp specialist surveyor or such other specialist to confirm the nature and extent of the damp and thereafter to attend to such work as is identified in terms of such report.
- b) To properly affix the central heating pipe in bedroom 1 to prevent damage of movement.

- c) To carry out such repairs as are required to the flooring timbers in the kitchen and the bathroom so that they are properly fixed and are reasonable even and to replace floor coverings thereafter.
- d) In bedroom 2 to clear the mould growth within the cupboard under the window and thereafter to redecorate the affected area.
- e) To repair and replace the draft proofing to the letter plate and door surround of the front door to the building.
- f) To replace the carbon monoxide monitor in the kitchen with a new item.
- g) In the stairwell to replace the cracked pane of glass.
- h) To carry out such works and repairs to the downpipes to the front and rear elevations of the building to ensure that they are in proper working order and free from obstruction.

The RSEO was subject to extension until 11 September 2022.

### **Re-inspection**

A re-inspection took place on 27 October 2022.

1. Prior to the re-inspection the landlord's agents submitted reports prepared by Peter Cox dated 13 May 2022 and 6 June 2022 which detailed repairs to the lintels of the kitchen, bathroom and bedroom together with a guarantee to 6 September 2022. During this re-inspection we saw that there were new internal linings at these areas. Moisture readings taken in these rooms showed below 20% moisture content.
2. The pipe work in bedroom 1 had been renewed in 15ml cooper, the radiator was properly affixed and the radiator was emitting heat.
3. Flooring timbers in the kitchen and bathroom had been repaired. Floor coverings throughout the flat had been repaired and the flooring overlaid with plywood. There were no loose or squeaky floorboards identified during the inspection.
4. The walls in bedroom 2 had been painted and there was no evidence of mould.
5. The outer letter plate had been reinstated and an internal draught flap had been fitted to the flat entrance door.
6. A new carbon monoxide monitor had been fitted in the kitchen.
7. The cracked pane of glass to the stairwell had been replaced.
8. The downpipes to the front and rear elevations of the building were clear of vegetation as viewed from ground level.

Following upon the issuing of the re-inspection report certain further representations were received from the landlords agent providing further moisture readings all at a level which were acceptable.

On the basis of the evidence provided the Tribunal determined that the works had been completed a certificate of completion will be issued.

**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 Thorley

Signed: .....  
Chairperson

Date: 15 March 2022