

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision under section 26(1) of the Housing (Scotland) Act 2006 as amended (“the Act”)

Chamber Ref: FTS/HPC/RP/23/0075

Title no: PTH26840

Property at 23K Speygate, Perth PH2 8PJ (“The Property”)

The Parties:-

- **Mr Ross McDonald, 23K Speygate, Perth PH2 8PJ (“the Tenant”)**
- **Mr Gary John Cummings, t/a Easy Investments, 8 Atholl Crescent, Perth PH1 5NG (“the Landlord”)**

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr Robert Buchan - Ordinary Member

1. **The First Tier Tribunal for Scotland (Housing & Property Chamber) (“the Tribunal”), having made such enquiries as was appropriate for determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.**

Statement of Reasons

2. Reference is made to the Determination of the Tribunal dated 24th April 2023 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and to the RSEO made by the Tribunal which

required the Landlord to carry out works to ensure that the Property meets the repairing standard.

3. The Tribunal required the Landlord to carry out such work as is necessary for the purpose of ensuring that the Property concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of the Order is made good.
4. In particular, the Tribunal required the Landlord: -
 - a. To instruct a qualified chartered building surveyor to investigate the source of dampness and mould within the Property and to prepare a report recommending remedial works including repair of the exterior of the dormer window and submit to the Tribunal for further consideration;
 - b. To repair or replace and make good the window in bedroom 1 window and to render it closable, lockable and in proper working order;
5. The said works were to be carried out and completed within a period of 3 months from the date of the service of the Order.
6. On 17th May 2023 the Landlords representative emailed the Housing and Property Chamber attaching a copy of a report from Tay Property Services dated 10th May 2023. The interior was found to be dry. It was advised that the window would be repaired.
7. On 22nd September 2023, the Tribunal carried out an inspection of the Property and noted: -
 - a. The window in bedroom 1 had been repaired allowing it to be closed, locked and it was found to be in proper working order.
8. The Ordinary Member's inspection report with his findings was circulated to the Respondent (the only remaining party) for information purposes.
9. The Tenants left the Property on 19th July 2023.

Observations

10. The Tribunal observed that although the flashing above the bedroom window was sound, an additional area of flashing above the kitchen window appears to have suffered storm damage and this will require repair to prevent future rainwater penetration.

Decision

11. The Tribunal considers the works specified in the RSEO have been substantially completed and have decided that it is appropriate to issue a

Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

Rights of Appeal

12. 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.

13. 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.

G Miller

Chairing Legal Member of the Tribunal
Dated: 28th September 2023