

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24 (1) of the Housing (Scotland) Act 2006.**

**Chamber Ref: FTS/HPC/RP/25/2905**

**Title no: ELN2306**

**52 Kennedy Crescent, Tranent, EH33 1DP('The Property')**

**The Parties:-**

**Imtiaz Ali and Co Limited, Dunedin Property Management, 80 Main Street, Davidson Mains, Edinburgh, EH4 5AB / West End Garage, Pencaitland, Edinburgh, EH34 5DS ('the Landlords').**

**Sulayman Ghafoor, Dunedin Property Management, 80 Main Street, Davidson Mains, Edinburgh, EH4 5AB ('the Landlords' Representative').**

**Shannon Gillespie residing at 52 Kennedy Crescent, Tranent, EH33 1DP ('the former Tenant').**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Robert Buchan (Ordinary Member).**

### **Background**

1. The former Tenant leased the Property from the Landlords in terms of the lease between the parties, which had been produced. The former Tenant applied to the Tribunal for a determination of whether the Landlords have failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ('the Act') by application dated 5<sup>th</sup> July 2025. The former Tenant vacated the Property prior to the scheduled inspection on 5<sup>th</sup> January 2026.

2. The application stated that the former Tenant considered that the Landlords have failed to comply with their duty to ensure that the Property meets the repairing standard. They advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the Property (including drains, gutters and external pipes) are not in a reasonable state

of repair and proper working order; the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order; the fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and proper working order; Any furnishings provided by the Landlord under the tenancy are not capable of being used safely for the purpose for which they are designed and the Property does not meet the tolerable standard.

In particular the application stated :-

2.1 Ceilings badly water damaged and mouldy due to a leak.

2.2 Blocked sinks.

2.3 The Kitchen cupboards are mouldy and breaking.

2.4 The decking and wood outside is a hazard as it is breaking and rotten.

2.5 The fence is falling apart.

2.6 The shower screen is broken and will not close properly.

2.7 The slabs are uneven and sunk.

2.8 The flooring is warped due to the leak.

2.9 The bath panel is cracked.

3. On 11<sup>th</sup> August 2025, James Bauld, as Convenor of the First- tier Tribunal (Housing and Property Chamber), signed the Notice of Acceptance which stated that he had considered the application, comprising documents received on 7<sup>th</sup> July 2025, and he referred the application under Section 22 (1) of the Act to a Tribunal.

3. The Tribunal attended at the Property at 10am on 5<sup>th</sup> January 2026. The parties did not attend the inspection and the Tribunal were not granted access to the Property.

4. The Tribunal received confirmation from the former Tenant that the tenancy of the Property had been terminated. The Tribunal issued a decision dated 5<sup>th</sup> January 2026 to continue to determine the application under schedule 2 paragraph 7(3) of the Housing (Scotland) Act 2006.

5. The Tribunal attended at the Property at 10.30 am on 22<sup>nd</sup> April 2026. The Landlords' Representative attended the inspection.

The Property, 52 Kennedy Crescent, Tranent, EH33 1DP is a semi detached house which dates from circa 1990. The accommodation comprises 3 bedrooms (one with ensuite), lounge, dining room (with utility room off), kitchen and bathroom. There is garden ground and a driveway to the front of the Property and garden ground, a decking area and a slabbed area to the rear of the Property.

The Property was vacant. The Landlords had renovated the Property and intended to relet the Property shortly. The Tribunal inspected the alleged defects and found as follows:-

5.1 Ceilings badly water damaged and mouldy due to a leak.

There was no evidence of water damage and mould on the ceilings. The ceilings had been freshly painted.

5.2 Blocked sinks.

The Tribunal tested the sinks in the Property and found that they all operated correctly.

5.3 The Kitchen cupboards are mouldy and breaking.

The wooden kitchen cupboards were in a reasonable condition. They were not broken. There was some staining to the interior of the sink base unit but no evidence of mould in the kitchen cupboards.

5.4 The decking and wood outside is a hazard as it is breaking and rotten.

The decking was in a reasonable condition. A small area of decking, close to the edge is rotten and a small area of retaining timber is failing but these areas are not considered to be of significance

5.5 The fence is falling apart.

The boundary fence was in a reasonable condition and there was no evidence that it was falling apart.

5.6 The shower screen is broken and will not close properly.

The shower screen in the ensuite was in proper working order.

5.7 The slabs are uneven and sunk.

The slabs at the rear of the Property were in a reasonable condition. Whilst they were not completely level they were not a tripping hazard.

5.8 The flooring is warped due to the leak.

The wooden style flooring on the ground floor of the Property was in a reasonable condition. There was no evidence that it was warped.

5.9 The bath panel is cracked.

There was a small crack to the side panel of the bath which did not prevent the bath being in a reasonable state of repair and was not considered to be a hazard to the occupant.

Photographs were taken during the inspection and are attached as a Schedule to this report.

**6. Decision:**

6.1 The structure and exterior of the Property (including drains, gutters and external pipes) are not in a reasonable state of repair and proper working order (Section 13(1) (b) of The Housing (Scotland) Act 2006).

The Tribunal determine that condition of the ceilings, decking, the garden fence and the garden slabs, described above, results in them being in a reasonable state of repair and proper working order.

6.2 The fixtures, fittings and appliances provided by the Landlords under the tenancy are not in a reasonable state of repair and proper working order (Section 13(1) (d) of The Housing (Scotland) Act 2006).

The Tribunal determine that the condition of the sinks, kitchen cupboards, shower screen, flooring and bath panel, described above, results in them being in a reasonable state of repair and proper working order.

6.3. The Tribunal accordingly determined that the Landlords have not failed to comply with the duties imposed by Sections 13 (1)(b) and (d) and 14(1) of the Housing (Scotland) Act 2006, as stated.

6.4. The decision of the Tribunal was unanimous.

**Appeal**

**7. 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.

.....J Taylor.....Legal Member 22<sup>nd</sup> April 2026

Photographs taken during the inspection of 52 Kennedy Crescent, Tranent, EH33 1DP  
Chamber reference number HPC/RP/25/2905



Front



Kitchen

Photographs taken during the inspection of 52 Kennedy Crescent, Tranent, EH33 1DP  
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Kitchen cupboard



Freshly decorated ceilings

Photographs taken during the inspection of 52 Kennedy Crescent, Tranent, EH33 1DP  
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Cracked bath panel



Shower door

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New hot water storage tank



Paving slabs

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Failing retaining barrier



Small area of rot in decking