



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

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Decision and Statement of Reasons: Housing (Scotland) Act 2006 Section 24

Reference number: FTS/HPC/RP/25/3480

Re: Property at Flat G/2, 20 Isla Street, Dundee, DD3 7HT (“the Property”)

The Parties:

**Ms Mairi Murray, Mr Patrick Murray, 97 Angus Road, Scone, Perth, PH2 6RD;
97 Angus Road, Scone, Perth, PH2 6RD (“the Landlords”)**

The Tribunal comprised:-

Ms Gabrielle Miller - Legal Member
Mr Andrew Murray - Ordinary Member

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 Landlords has complied with the duty imposed by Section 14(1)(b) in relation to the Property, determined that the Landlords had complied with the duty imposed by Section 14(1)(b) of the Act.

Background

1. An application was received by the Housing and Property Chamber from the now former tenant. The application was dated 13th August 2025. The Tenant applied to the Housing and Property Chamber for a determination as to whether the Landlords has failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The application by the Tenant stated that it was considered that the Landlords had failed to comply with his duty to ensure that the Property met the Repairing Standard. The application stated that the Repairing Standard had not been met, namely that the Landlords had not ensured that:

- a) The installations in the Property for the supply of water, gas, electricity (including residual current devices,) and any other type of fuel and for sanitation, space heating by a fixing heating system and heating water are in a reasonable state of repair and in proper working order.
 - b) Any fixtures, fittings and appliances provided by the Landlords under the tenancy are in a reasonable state of repair and in proper working order.
 - c) Any common parts pertaining to the Property can be safely accessed and used.
 - d) The Property meets the tolerable standard. This includes the following
 - 2.d.1. In the case of a property having a supply of electricity, it complies with the relevant requirement in relation to the electrical installations for the purposes of that supply.
 - 2.d.2. It has satisfactory provision for natural and artificial lighting, for ventilation and for heating; and
 - 2.d.3. It has satisfactory facilities for the cooking of food within the Property.
 - e) The Property has satisfactory provision for and safe access to a food storage area and a food preparation space.
 - f) Where the Property is in a tenement, common doors are secure and fitted with satisfactory emergency exit locks.
3. In particular the previous tenant raised that the issues requiring repaired were:-
- a) Redecoration in hallway, kitchen and living room due to water ingress damage from a burst external water pipe from one of the flats above the property.
 - b) The front door needed to be weather sealed and painted.
 - c) There are gaps between the floor panel on the kitchen and living room floor.
 - d) The gas meter required to be repositioned.
 - e) The electricity meter required to have a cable removed.
4. The Tenant left the Property on or around 13th November 2025.
5. A date was set for both the inspection and hearing on 19th March 2026. This was notified upon the Landlords, who was the only remaining party.
6. On 11th March 2026 the Tribunal issued a direction upon the Landlords directing the Landlords to provide a Gas Safety Certificate for the Property from a Gas Safe Registered Engineer addressing the working order, condition and safety of the gas installation and the boiler and issued within the last six months and should also address whether there is a carbon monoxide alarm which complies with the statutory guidance in the Property.

The Inspection

7. The Tribunal attended the property on the morning of 19th March 2026 at 10am. Mr Kenny Cheyne, Leopard Residential Management Ltd, was present to represent the Landlords. The Landlords were not present. The new tenant allowed the Tribunal entry to the Property. It was a clear dry day during the inspection.
8. The inspection was undertaken by the Ordinary Member (Surveyor Member) and the Legal Member.

9. The Property comprises a four-storey traditional tenement block of flats constructed of brick with a stone facade. The Property has a pitched slate roof. The Property was furnished and there were floor coverings in place.
10. Each point on the list submitted by the previous tenant was inspected in turn.
11. The electricity was on during the inspection.
12. The Property was occupied and furnished.
13. During the inspection photographs were taken by the Ordinary Member and a schedule of photographs is attached to this decision.
14. The inspection was concluded and the Tribunal travelled to the venue for the hearing.

The Hearing

15. The hearing took place on 19th March 2026 at 11.45am at Endeavour Property, Greenmarket, Dundee. The Landlords was not present but was represented by Mr Kenny Cheyne, who attended the inspection.
16. Mr Cheyne provided all the information within the direction dated on 11th March 2026. The Tribunal was satisfied that this showed that all the necessary documentation was up to date.
17. The Ordinary Member discussed the points raised in the application. The Tribunal was satisfied that all the outstanding works had been completed and met the Repairing Standard.
18. Redecoration in hallway, kitchen and living room. The Tribunal found all of these rooms to be in a good state of decoration. Mr Cheyne advised that the Property had been recently decorated. The Tribunal found that the Repairing Standard had been met.
19. The front door needed to be weather sealed and painted. Mr Cheyne advised that this point has been fully addressed. The front door appeared to have been finished to a suitable standard and in a good state of repair. The Tribunal found that the Repairing Standard had been met.
20. There are gaps between the floor panel on the kitchen and living room floor. This flooring has now been replaced. There were no specific gaps seen by the Tribunal during the inspection. The Tribunal found that the Repairing Standard had been met.
21. The gas meter required to be repositioned. The Tribunal found that there was no issue with the positioning of the gas meter albeit that it was not at a convenient level for the previous tenant. It was within requirements for a gas meter. The Tribunal found that the Repairing Standard had been met.

22. The electricity meter required to have a cable removed. Mr Cheyne explained that this had not been able to be actioned due to the previous tenant. Since he had left the Property this has now been able to be attended to and the matter is resolved. The EICR was satisfactory. The Tribunal found that the Repairing Standard had been met.
23. The Tribunal considered that the Repairing Standard had been met and did not consider it necessary to issue an RSEO as works had been completed to a satisfactory standard.

Findings of fact

24. Having considered all the evidence, the Tribunal found the following facts to be established:-
- a) The tenancy is a private residential tenancy between the Landlords and the Tenant.
 - b) The tenancy commenced on 27th August 2018.
 - c) The Tenant moved out of Property the 13th November 2025.
 - d) All the issues raised in the application have now been addressed by the Landlords. There are no outstanding issues.

Reasons for the decision

25. The Tribunal determined the application having regard to the terms of the application, the written representations received prior to the hearing, the findings of their inspection and the evidence of the Tenant and the Landlords' Agent.
26. The Tribunal was satisfied having regard to all of the available evidence that there was sufficient information and material upon which to reach a fair determination of the application.
27. The Tribunal was satisfied that all the points raised in the application had been dealt with by the Landlords and that there were no outstanding issues. The Tribunal was satisfied that the Repairing Standard was met and that no further orders were necessary.

Decision

- (a) The Tribunal accordingly determined that the Landlords had complied with the duty imposed by Section 14(1)(b) of the Act.
- (b) The Tribunal did not need to issue any further orders.
- (c) The Tribunal did not need to take any further action.
- (d) The decision of the Tribunal was unanimous.

Observations

It was observed by the Tribunal that the new flooring in the kitchen area needed to be

glued down again as the edge of it was risen slightly. Mr Cheyne said that this would be fixed within a week as a workman was due at the property to deal other matters.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

G Miller, Chairperson and Legal Member

21st April 2026

Housing and Property Chamber First-tier Tribunal for Scotland



Housing

(Scotland) Act

2006: Re-inspection Photographic Schedule

Property: 20 Isla Street Dundee DD3 7HT

Chamber Reference : FTS/HPC/RP/25/3480

Inspection Date: 19/03/2026 - 10.00am

Weather conditions: Dry and sunny. External temperature circa 9 deg C.

In attendance:

Mr Cheyne (Landlord Rep)

The current tenant

Mrs Miller (tribunal legal member)

Mr Murray (tribunal surveyor member)



Front Elevation.

Repairing Standard Enforcement Order (RSEO)

Photographs were taken on the day of inspection and are attached below.



*Photo 1 - New flooring at
entrance hall*



Photo 2 - New mains cable LHS

front door



Photo 3 - New vinyl patch in

kitchen



Photo 4 - Kitchen trim trip hazard



Photo 5 - Low level gas meter



Photo 6 Boiler and LHS high level

wall mounted CO detector



Photo 7: External mains cable