



Decision with statement of reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 25 (1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/24/5493

Re: Property at 5 Craigash Quadrant, Milngavie, Glasgow, G62 7BX (“the Property”)

Parties:

Mrs Jean Torrance, 5 Craigash Quadrant, Milngavie, Glasgow, G62 7BX (“the Tenant”)

Mr Antonio Vezza, A&A Properties, 187 Tantallon Road, Shawlands, Glasgow, G41 3LU (“the Landlord”)

Tribunal Members:

Nicola Irvine (Legal Member) and Nicholas Allan (Ordinary (Surveyor) Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the Landlord has failed to fully comply with the Repairing Standard Enforcement Order (“RSEO”) in terms of section 26(1) of the Housing (Scotland) Act 2006 and that a notice of the failure be served on the Local Authority in which the Property is situated.

The Tribunal further imposed a Rent Relief Order of 50% of the monthly rent due and determined that notice of the failure be served on the local authority.

Background

1. The Tribunal issued a RSEO dated 24 June 2025 in respect of the Property which required the Landlord to:-
 - (1) Produce a current satisfactory Electrical Installation Condition Report (EICR) from a SELECT, NICEIC or NAPIT accredited electrician in respect

of the property, containing no Category C1 or C2 items of disrepair or FI items requiring further investigation.

- (2) Produce a current gas safety certificate.
 - (3) Repair or replace the living room window frame, and ensure that it can be opened, shut and secured, and is draught-free.
 - (4) Replace or replace the rotten living room window sill.
 - (5) Replace the front door, door frame and threshold.
 - (6) Check all windows to ensure that they are draught-free, watertight and fully functioning.
 - (7) Ensure that interlinked smoke alarms and a heat detector are installed correctly, are interconnected and conform to current Scottish Government guidelines.
 - (8) Make good any damage caused by carrying the works.
2. The Tribunal ordered that all of the works specified in the RSEO must be carried out and completed within the period of 2 months from the date of service of this notice. The notice was served to the Landlord on 03 July 2025.
 3. The Tribunal Members carried out a re-inspection of the Property on 15 December 2025. The Tenant was present and the Landlord did not attend. The re-inspection report dated 08 January 2026 confirmed that items 1 to 7 of the RSEO had not been completed. In light of that, paragraph 8 of the RSEO did not arise. The re-inspection report was issued to the parties on 12 February 2026 and they were asked to provide any written representations by 5 March 2026.
 4. On 17 February 2026, the Tribunal received an email from the Tenant's representative, attaching a photograph of a new front door to the Property which was said to have been installed on 22 December 2025. The Tenant's representative also advised that the Tenant 's care team had to request a visit from Scottish Fire and Rescue Services to check the safety of the smoke alarms who confirmed that they are functional but not interlinked. A copy of the email of 17 February 2026 was sent to the Landlord.
 5. On 5 March 2026, the Tribunal received an email from the Landlord's solicitor attaching the following:-

- A satisfactory EICR dated 20 June 2025
 - A gas safety record dated 1 July 2025
6. The Tribunal received further emails from the Tenant's representative on 13 and 31 March 2026 which provided information in relation to rent increases.
 7. The Landlord did not engage with the Tribunal prior to the re-inspection report being issued and did not attend at either of the inspections. The Landlord's solicitor provided some information in response to that re-inspection report.

Reasons for Decision

8. Given the terms of the inspection report dated 24 June 2025 and the re-inspection report dated 08 January 2026, and the fact that the Landlord's solicitor provided only some information to the Tribunal following the re-inspection report, the Tribunal Determined that items 3, 4, 6 and 7 of the RSEO have not been satisfactorily completed as the required works have not been carried out.
9. Consequently, the Tribunal, having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order in relation to the Property determined that the Landlord, Mr Antonio Vezza, failed to fully comply with the RSEO in terms of section 26(1) of the Housing (Scotland) Act 2006 and that a notice of the failure be served on the Local Authority in which the Property is situated.
10. The Tribunal considered whether a Rent Relief Order should be made. The factors which the Tribunal took account of include:-
 - (a) the diminution of enjoyment by the Tenant of the Property as a result of the Property failing to meet the repairing standard. The Property is not wind and watertight and the Tenant has incurred higher heating costs as a result.
 - (b) The Landlord's failure to do all of the work required to address the items listed in the RSEO within the timescale specified by the Tribunal. After the RSEO was issued, Landlord arranged to have an EICR certificate and gas safety certificate issued, the window frames painted, and to replace the front door and threshold.
 - (c) The Landlord's failure to engage with the Tribunal in respect of this application until after the re-inspection report. The application was accepted by the Tribunal on 30 January 2025 and a copy of it was sent to the Landlord

on 30 April 2025. The Landlord had many months to ensure that the work listed in the application was attended to.

- (d) The Tenant is a vulnerable elderly lady.
- (e) The Landlord has been given an opportunity to provide a reasonable excuse for failure to undertake the work but has not provided any excuse.

Taking these factors into account, the Tribunal granted a Rent Relief Order to the extent of 50%.

11. The Tribunal further determined in terms of section 26(2)(a) of the 2006 Act that notice of the decision be served on the local authority.
12. The decision of the Tribunal was unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

In terms of section 63 of the Tribunal (Scotland) Act 2014, Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or 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 determined.

N.Irvine Date 29 May 2026