

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Housing (Scotland) Act 2006 Section 24

DECISION NOTICE

Chamber Ref: FTS/HPC/RP/25/3850

The Property: 3-1, 60 Fox Street, Glasgow, G1 4AU (“The Property”)

The Parties:

Mr David Amadasun and Mr Joel Keane, both residing at 3-1, 60 Fox Street, Glasgow, G1 4AU (“the Applicants”) and

Mr Bruce Sinclair and Mrs Bernadette Sinclair both residing c/o Ritehome Ltd, 350 Glasgow Harbour Terraces, Glasgow, G11 6EG (“the Respondents”) and

Ritehome Ltd, 350 Glasgow Harbour Terraces, Glasgow, G11 6EG (the Respondents’ Representative”)

Tribunal Members:

**G McWilliams- Legal Member
A Taylor - 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 or not the Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006, as amended (“the 2006 Act”), in relation to the Property, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the 2006 Act and that a Repairing Standard Enforcement Order (“RSEO”) should be made.

Background

- 1. The Applicants applied to the Tribunal on 15th October 2025. They complained that the Respondents have not complied with elements of the Repairing Standard.**

Inspection

2. The Tribunal Members inspected the Property at 11.30am on 1st September 2026. The Applicant Mr Amadasun and the Respondents' Representative's Mr R Nixon were present.
3. A Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Decision.

Hearing

4. Following the Inspection, the Tribunal held a Hearing at the Glasgow Tribunals Centre which proceeded at 2.00pm on 1st September 2026. Mr Amadasun and Mr Nixon attended.
5. The Tribunal informed Mr Amadasun and Mr Nixon that they would consider the complaints referred to by the Applicants in the Application. Both Mr Amadasun and Mr Nixon acknowledged that this was appropriate and that the Applicants' other complaint, regarding pest infestation, will be considered in the Applicants' separate Application for a payment order.
6. Mr Amadasun re-iterated what he has said at the Inspection, namely that a replacement fridge/freezer has been supplied and fitted at the property. He said that the remaining issue in the Application, regarding the Applicants' delay or failure to supply and fit a dishwasher, in good working order, remained to be determined. He referred to the Application papers and said that this matter had been outstanding for a very long time as the dishwasher present in the Property, when the parties' tenancy agreement began in January 2024, had never worked and was subsequently removed by the Respondents' contractor.
7. The Tribunal observed at the inspection that a replacement dishwasher has not yet been fitted in the kitchen area in the Property.
8. Mr Nixon stated that a new dishwasher has been purchased by the Respondents and is ready for supply and fitting. He said that the Respondents' delay in having this matter attended to has been because they await the outcome of pest control investigations and works currently being carried out by the company Rentokil.
9. Mr Amadasun further stated that he has been present when ongoing pest control works have been carried out and that the area where the dishwasher should be fitted has been treated. He said that, therefore, a dishwasher can now be fitted.
10. Mr Nixon stated that the Respondents have not yet received written confirmation, from Rentokil, that necessary works have been completed.
11. Mr Amadasun said that he and Mr Keane are content for the dishwasher to be supplied and fitted now. Mr Nixon stated that he will arrange for this to be done as soon as possible.

The Repairing Standard

12. The Repairing Standard is set out in Section 13 (1) of the 2006 Act:

A property (house) meets the Repairing Standard if:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation,
- (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
- (d) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,
- (e) Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed,
- (f) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire,
- (g) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- (h) The house meets the tolerable standard.

Findings in Fact

13. Having considered all the evidence, and the submissions of Mr Amadasun and Mr Nixon, the Tribunal made the following findings in fact. The dishwasher present in the Property, when the parties' tenancy agreement began in January 2024, never worked and was subsequently removed by the Respondents' contractor. A replacement dishwasher has still to be supplied and fitted at the Property.

Decision, Reasons and Repairing Standard Enforcement Order ("RSEO")

- 14.** In making their findings in fact the Tribunal, in particular, relied on their visual finding at the Inspection and the evidence and submissions of Mr Amadasun and Mr Nixon.
- 15.** Having made their findings in fact, the Tribunal found in law that as the dishwasher appliance provided by the Respondents under the tenancy did not function properly, was subsequently removed and has not yet been replaced, therefore there is no dishwasher present, in a reasonable state of repair and in proper working order, in the Property. Accordingly, the Tribunal decided that the Property

does not presently meet the Repairing Standard, specifically in terms of Section 13 (1) (d) of the 2006 Act.

- 16.** In reaching their decision the Tribunal principally relied on their finding at the Inspection as well as on the evidence and submissions of Mr Amadasun and Mr Nixon at the Hearing.
- 17.** The Tribunal therefore determined that the Respondents, Mr and Mrs Sinclair, have failed to comply with the duties imposed on them by Section 14 (1)(b) of the 2006 Act given that a dishwasher, in proper working order, has still to be supplied and fitted at the Property.
- 18.** In all the circumstances and, in particular, as the issue of installation at the Property of a working dishwasher has been outstanding for a lengthy period of time, the Tribunal have also decided to make an RSEO, as required by Sections 24 (I) and 24(II) of the 2006 Act, in the following terms:-

The Tribunal now orders the Respondents to;

- i) supply and fit a replacement dishwasher at the Property to ensure that the Property meets the Repairing Standard, in terms of Section 13(1) (d) of the 2006 Act, and**
- ii) to make good any damage to the Property, caused by works carried out to ensure that a dishwasher in proper working order is fitted in the Property, including replacement of plinths and all necessary redecoration;**

Given the circumstances of the failure to meet the Repairing Standard, as defined in the 2006 Act, and the extent of the remedial work which requires to be carried out, the Tribunal determines that the RSEO requires to be complied with by 12th October 2026.

- 19.** The decision of the Tribunal is unanimous.

Right of Appeal

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 McWilliams

Signed: G McWilliams

Tribunal Legal Member

Date: 7th September 2026