Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 26 (1) of the Housing (Scotland) Act 2006

Tribunal reference: FTS/HPC/RP/25/5489

Property: 4 Dobsons Walk, Haddington, East Lothian EH41 4RU ("the Property")

Parties:

Miss Caitlin Douglas, sometime 4 Dobsons Walk, Haddington, East Lothian EH41 4RU ("the Tenant")

Mrs Wendy Edmond, 34 Dobsons Place, Haddington, East Lothian EH41 4RT ("the Landlord")

Tribunal Members: George Clark (Legal Member/Chair) and Carol Jones (Ordinary/surveyor Member)

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlord has failed to comply with that duty. The Tribunal made a Repairing Standard Enforcement Order.

Background

1. On 10 December 2025, the Tenant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland ("the Tribunal") for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").

2. The Tenant contended that there were no window vents in the bedrooms, living room or kitchen, that the ventilator in the bathroom was broken, that there were cracks in the bathroom ceiling and mould in the bathroom, kitchen, bedroom walls and windows, a mould patch under the vinyl around the toilet, multiple sightings of mould mites in the kitchen, the carpets and vinyl in all the ground floor rooms and the bathroom were not properly fitted, the living room radiator was too small and plaster behind it needed to be fixed, the kitchen cupboards were falling apart, the washing machine was broken, the bathroom sink handle had broken off, the fridge/freezer was faulty, there was no asbestos report available following disturbance of the Artex ceiling in the living room, the bathroom plug was broken and the electric light wiring throughout the Property was faulty.

3. On 28 August 2026, having been advised that the Tenant vacated the Property on 13 July 2026 and the Landlord intended to sell, the Tribunal decided that it would continue to determine the application as the complaints, if established, could present a significant health and safety to future tenants. On 9 September 2026, the Tribunal directed the Landlord to provide, in advance of the Inspection and Hearing, an up-to-date Electrical Installation Condition Report ("EICR"), a current Gas Safety Certificate and a PAT Test Certificate in respect of any portable appliances provided by the Landlord.

4. On 18 September 2026, the Landlord provided the Tribunal with an EICR completed by KF Electrical dated 9 February 2023 and a satisfactory PAT Completion Certificate dated 13 March 2025, together with an email from East Lothian Council's Environmental Health Officer dated 26 January 2026, confirming that, on an inspection, he had found no evidence of mould or dampness in the Property but he noted the floor boarding under the bathroom vinyl was heavily saturated and should be investigated. The landlord also provided a pest control report dated 11 May 2026 detailing treatment works in relation to an ant infestation and she confirmed there was no gas supply or gas appliances in the property.

The Inspection

5. The Tribunal Members inspected the Property on the morning of 23 September 2026 and were admitted by the Landlord's daughter. The Landlord's representative, Mr Alex Priestly of Edinburgh Letting Centre, also attended the Inspection. The Tenant, having vacated the property, is no longer a Party to the application and was not, therefore, present or represented.

6. A Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Statement of Decision.

7. The Tribunal noted that the Property has undergone a complete refurbishment.

The Hearing

8. Following the Inspection, a Hearing was held in the Edinburgh Tribunal Centre which was attended by Mr Priestly on behalf of the Landlord.

9. The Ordinary (surveyor) Member of the Tribunal summarised the findings of the Inspection.

10. The Tribunal advised Mr Priestly that it was satisfied that all of the items of disrepair set out in the application had been attended to, but the electrician who had signed the EICR did not appear to be registered with NICEIC, NAPIT or SELECT. Accordingly, the Tribunal would ordinarily be obliged to make a Repairing Standard Enforcement Order ("RSEO") requiring the Landlord to produce a further EICR or evidence that the electrician who prepared the original Report was duly registered at the time with one or other of the recognised trade

bodies. The Tribunal noted, however, that the Landlord's daughter had stated that she is purchasing the Property in one week's time and will be living in it as her home.

Reasons for Decision

11. A landlord has a duty under Section 14(1)(b) of the Act, to ensure that the Property meets the Repairing Standard at all times during the tenancy.

12. The Property has been completely refurbished and the bathroom and kitchen entirely replaced. New hardwood floorcoverings, carpets and vinyl have been laid throughout. All the windows have trickle vents and the washing machine and fridge-freezer have been replaced. A new radiator has been fitted in the living room. There is no longer any gas supply to the Property. The Artex ceiling in the living room has been replastered, and the Property has been completely redecorated.

13. The Tribunal was satisfied that all the issues complained about in the application have been addressed during the refurbishment and the only outstanding matter is the EICR. As it appeared that the Landlord's daughter was about to complete her purchase of the Property and would thereafter be living in it herself, the Tribunal was reluctant to make a RSEO immediately. The Tribunal had, however, to be mindful that, despite present intentions, it remained possible that the Landlord's daughter would decide to let the Property rather than move in or that the sale to her would not complete. Accordingly the Tribunal advised the Landlord's representative at the Hearing that it would delay issuing its Decision for a period of four weeks and that it would not make a RSEO if, during that period, the Landlord's daughter's solicitors advised that the sale to her had been completed and she provided a Council Tax Notice for the Property in her name, or alternatively the Landlord produced evidence that the electrician who prepared the EICR was, at the time, registered with SELECT, NICEIC or NAPIT.

14. Despite a reminder from the Tribunal, the Landlord did not provide the documentation or evidence that the Tribunal had indicated would be sufficient to enable it to accept the EICR or to abandon the application on the basis of proof that the Landlord's daughter has purchased the Property and is living in it as her principal home. Accordingly, the Tribunal decided that it must conclude that the Landlord has failed to comply with the duty impose by Section 14(1)(b) of the Act and that it would make a Repairing Standard Enforcement Order.

15. The Tribunal's Decision was unanimous.

G Clark

_____ Legal Member 4 November 2026

Housing and Property Chamber
First-tier Tribunal for Scotland

Schedule of photographs taken during the inspection of 4 Dobsons Walk, Haddington E41 4RU by the First-tier Tribunal for Scotland (Housing and Property Chamber) on Wednesday 23 September 2026

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Front Elevation



Bathroom - brand new suite



Bathroom - brand new wet walling, shower and screen



Bathroom - brand new floor covering



Bathroom - new ceiling mounted extractor fan



Bathroom - skylight window



Front Bedroom



Rear Bedroom



Kitchen - brand new fitted units/appliances



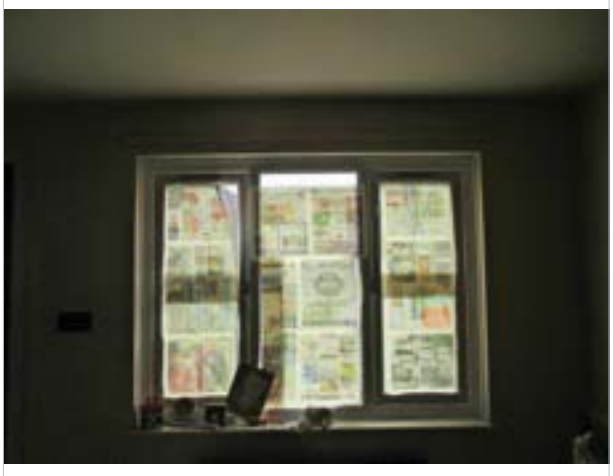
Kitchen - brand new fitted sink and base units



Kitchen - brand new fitted units/appliances



Living Room



Living Room - window



Living Room - re-plastered and decorated ceiling with recessed lighting



Kitchen - brand new ceiling mounted heat alarm



Upper landing - brand new ceiling mounted smoke alarm



Living Room - brand new ceiling mounted smoke alarm



Ground floor vestibule - consumer unit