

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Statement of Decision of the Housing and Property Chamber of the First-tier tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RT/21/2262**

**Property: 1 Hill Square, Dundee DD3 6RT (“the property/house”)**

**The Parties:-**

**Dundee City Council, 3 City Square, Dundee DD1 3BA (“the Third Party Applicant”)**

**Mr Rahman Safiu, 1 Hill Square, Dundee DD3 6RT (“the Tenant”)**

**Mr Robert Pitkethly, 5/6 Saunders Street, Edinburgh EH3 6TT (“the Landlord”)**

**Tribunal Members:**

**George Clark (Legal Member/Chairman) and Robert Buchan (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 Landlord has complied with the Repairing Standard Enforcement Order made by the Tribunal on 10 February 2022, determined that the Landlord has now complied with the Order and that a Certificate of Completion of Works should be issued.**

### **Background**

By application, dated 20 September 2021, the Third Party Applicant 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) of the Housing (Scotland) Act 2006 (“the Act”).

The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard.

Following an inspection and hearing held on 10 February 2022, the Tribunal made a Repairing Standard Enforcement Order ("the Order"). The Order required the Landlord to complete the following within a period of three months from the date of service of the Order:

1. Carry out such works as are required to ensure the kitchen units and worktops are in a reasonable state of repair and in proper working order.
2. Repair or replace the defective window latch in the front bedroom.
3. Replace the floorcovering in the kitchen.

The Tribunal reinspected the Property on 29 June 2022.

A copy of the Reinspection Report was sent to the parties for comment. On 20 July 2022, the Landlord's representatives responded that the Landlord could not access the window latch as there was furniture in the way and that the Tenant had not moved kitchen appliances to permit access to the flooring.

On 5 September 2022, the Tribunal noted that hinges had been put on the doors of the kitchen units, which were now in working order, but decided that it was not satisfied with the Landlord's explanation regarding difficulty in accessing the window and the flooring. The Tribunal determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order and that, in terms of Section 26(2) of the 2016 Act, the failure must be reported to the local authority. The Tribunal decided not to make a Rent Relief Order in terms of Section 27 of the Act, as the outstanding defects did not adversely affect the Tenant's occupation of the Property.

On 30 September 2022, the Landlord's managing agents advised the Tribunal that the Landlord had replaced the flooring in the kitchen and had fixed the window lock. They provided photographs of the new vinyl flooring in the kitchen and the repaired window lock.

On 9 November 2022, the Third Party Applicant confirmed that according to the photographs, the repairs had been completed and on 10 November 2022, the Tenant confirmed that the work is completed "and all looks good now".

### **Summary of the issues**

The issues to be determined were whether the Landlord had carried out the works required by the Repairing Standard Enforcement Order made on 10 February 2022 and, if not, whether a Rent Relief Order in respect of the Property should be made.

### **Reasons for the Decision**

The Tribunal decided that, on the basis of the photographs provided by the Landlord's managing agents and the confirmation from the Tenant that the

outstanding works have been carried out satisfactorily, it was not necessary for the Tribunal Members to reinspect the Property. The Tribunal was satisfied that the works required by the

The decision of the Tribunal was 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.**

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G Clark

Signed

Date: 15 November 2022

