

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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

**DECISION OF THE TRIBUNAL  
UNDER SECTION 26  
OF THE HOUSING (SCOTLAND) ACT 2006**

**RE: All and Whole the dwelling house known as 7 Glenacre Drive, Airdrie  
ML6 8BS registered in the Land Register under title noLAN26930**

**The Parties:**

**Jennifer Anderson, 7 Glenacre Drive, Airdrie ML6 8BS ("the Tenant")**

**Lee Robert McFarlane Johnston, 10 Strone Place, Airdrie and LRJ Properties  
Ltd, 30 Oakbank Street, Airdrie ML6 8LE("the Landlord")**

**Reference number: FTS/HPC/RP/22/3733**

**Tribunal Members:**

**John McHugh, Chairperson  
Andrew McFarlane, Ordinary (Surveyor) Member**

**DECISION**

The Tribunal having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order dated 3 February 2023 as varied("the RSEO") had not been completed and resolved to issue a Rent Relief Order ("RRO").

The decision of the Tribunal was unanimous.

## **Background**

The RSEO required the Landlord to complete the following work within 31 days of service of the RSEO:

1 To carry out works so that the interior of the House is rendered reasonably free of penetrating dampness. Particular attention should be given to the rear bedroom on the first floor and the converted attic bedroom at the chimney breast.

2 To carry out repairs such that water does not leak from the bathroom to the kitchen below.

3 To provide a report from a suitably qualified electrician that the smoke and heat detectors fitted are interlinked and functioning correctly, and there are sufficient smoke alarms as required by the *Scottish Government Guidance for Private Landlords on Satisfactory Provision for Detecting and Warning of Fires*.

4 To carry out decorative remedial works after completing any repairs.

## **Reasons for the Decision**

On 19 April 2023, the Tribunal re-inspected the House and found the works required by the RSEO to have been partially addressed. After further representations from the parties, on 17 May 2023, the Tribunal varied the RSEO to allow a further 21 days for completion of the works.

On 5 September 2023, the Tribunal carried out a further re-inspection of the House.

At the re-inspection the following was noted:

1. The area on the outer wall of the rear bedroom appeared to be dried out. Damp readings were still evident, but at a lower level than previously, on the chimney breast in the converted attic bedroom. No signs of work having been carried out to the chimney stack were noted, as a result of an inspection from ground level.

2. A shower screen has been installed on the bath to replace the previous curtain. Water was still evidently escaping under the screen onto the top of the boxing enclosing the bath. The tenant reported that water also escaped beyond the end of the screen. The ceiling below displayed low levels of dampness and the ceiling light has ceased working.

3. No report on the heat and smoke detectors was provided. The heat and smoke and detectors were tested by the Tribunal and were found to be operational and interlinked.

4. No decorative works appear to have been undertaken.

The RSEO has not been complied with.

The Landlord has made no representations in response to the re-inspection report.

In her representations, the Tenant has suggested that an RRO reducing rent by 50% would be appropriate.

### **Rent Relief Order**

The works not completed are relatively minor but the effect of the leak from the bathroom into the kitchen is materially affecting the Tenant's enjoyment of the occupation of the House. In particular, water damage prevents use of the kitchen ceiling light.

In the circumstances, the Tribunal considers that a Relief Order imposing a restriction of rent by 50% as suggested by the Tenant would be excessive but a restriction of 25% is appropriate.

### **Right of Appeal**

Section 64 of the Act provides a right of appeal to a party aggrieved by the decision of the Tribunal 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.

John McHugh  
Chairperson

Date: 13 October 2023