

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24(1) of the Housing (Scotland) Act 2006

Chamber Ref: **FDS/HPC/RT/23/0593**

Land Register Title Number: GLA80939

Re Property at Flat0/1, 22 Plantation Park Gardens, Glasgow, G51 1NW
("the Property")

The Parties: -

1. Glasgow City Council, per their employee, Ms. Toni Coyle, NRS- Private Housing Team, Exchange House, 231 George Street, Glasgow, as third-party applicant in terms of section 22(1A) of the Act ("the Third Party Applicant") and
2. Ms. Agnes Hunter, residing at 3 Fraser Street, Cambuslang, Glasgow, G72 7AY ("the Landlord")

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 duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, determined that the Landlord has not failed to comply with the duty imposed by Section 14 (1)(b) of the Act, and therefore that no Repairing Standard Enforcement Order requires to be made.

The Tribunal comprised: -

Mr. Andrew Cowan, Legal Member, and
Mrs Geraldine Wooley, Ordinary Member (Surveyor)

Background

1. By an application dated 7th February 2024, the Third-Party Applicant applied to the First Tier Tribunal Housing and Property Chamber for a determination as to whether the Landlord had failed to comply with the

duties imposed by Section 14 (1)(b) of the Housing Scotland Act 2006.

2. The application referenced a letter, issued by the Third Party Applicant to the Landlord by email dated 7th December 2024, which specified that the Third Party Applicant did not consider that the Property met the Repairing Standard duty imposed by Section 14 (1)(b) of the Act as the following work needed to be carried out at the Property (in summary): -

- a) The heating system within the property is faulty and needs to be repaired or replaced.
- b) Issues with the boiler, in relation to pressure and water temperature, require to be investigated and repaired.
- c) The Living room and bedroom door do not close properly and require to be repaired,
- d) There are signs of dampness in a bedroom at the property and extreme condensation on the windows throughout the Property which require to be investigated and appropriate action taken.
- e) Electrical sockets in the kitchen in the Property are faulty and require to be repaired or replaced.
- f) The Kitchen light in the Property is faulty and requires to be repaired or replaced.
- g) The Extractor fan in the kitchen in the Property is faulty and require to be repaired or replaced.
- h) The washing machine in the Property does not drain correctly and requires to be repaired or replaced.
- i) Small holes in the kitchen flooring of the Property require repair.
- j) The Extractor fan in the bathroom of the Property is faulty and requires to be repaired or replaced.

3. The Application was accepted by the Chamber President on 13th February 2024 and was referred for this Tribunal's consideration.

Hearing and Inspection

4. The tribunal inspected the Property on the morning of 17th May 2024. The Third Party Applicant was not represented at the inspection. The Landlord was represented at the inspection by Ms. Jennifer McMillan from the Landlord's letting agents, Messrs. Pacitti Jones. The Tenant of the Property is Ms. Emily Gibbons. She is not a participating party in the application. Ms. Gibbons was not present at the time of the inspection. Access to the Property for the inspection was provided by the Tenant's mother, Ms. Vashti O'Connor.
5. By the date of the Tribunal's inspection of the Property the Landlord had instructed repair works to be carried out to the Property. The Tribunal

had been provided with evidence that a plumber and an electrician had completed certain works at the Property. The Tribunal had also been provided with a copy Electrical Installation Condition Report ("EICR") dated 8th December 2023.

6. Photographs were taken by the tribunal during the inspection. Copies of the photographs are attached as a schedule to this statement of decision.
7. The weather at the time of inspection was warm, dry and bright.
8. At the inspection of the Property the Tribunal had noted that (by reference to the list of complaints raise by the third party applicant): -
 - a. The heating system within the property had been repaired and was now in working order. (The Tribunal observed that the Property has storage heaters which can only be controlled by a timer and that no form of fixed heating was provided in one of the bedrooms of the Property).
 - b. Issues with the boiler, in relation to pressure and water temperature, had been resolved as evidence by the invoice from the plumber date 17/11/2023, and the boiler was currently in working order (as confirmed by the Tenant's mother at the inspection).
 - c. The Living room and bedroom doors are now capable of being closed properly.
 - d. There is no significant dampness in either bedroom of the property and no evidence of continuing condensation on the windows of the Property which requires further investigation. The Tribunal used a damp meter to test for dampness on the walls of the bedrooms in the property and found the readings from that meter to be in an acceptable range. However, this should be monitored to ensure that dampness does not return.
 - e. The electrical sockets in the kitchen are now in working order.
 - f. The Kitchen light in the Property is now in working order.
 - g. The Extractor fan in the kitchen is now in working order.
 - h. The washing machine in the Property is now in working order.
 - i. The Tribunal noted one or two very small holes in the kitchen flooring of the Property but did not consider that these constituted a failure of the repairing standard.
 - j. The Extractor fan in the bathroom of the Property is now in working order.

9. A hearing had been arranged to take place after the inspection of the Property at 11.45 on 17th May 2024 at Glasgow Tribunal Center, 20 York Street Glasgow. No party attend the hearing.

Findings in Fact

10. The Tribunal find the following facts to be established: -
 - a. The Landlord has carried out work to repair all the issues identified by the third party applicant in their letter to the Landlord dated 7th December 2024.
 - b. The Landlord has complied with the duty under Section 14(1) of the Act to ensure that the Property meets the Repairing Standard.

Reasons for the Decision

11. The tribunal noted that the Landlords have carried out works to the Property since the date of the application. The works carried out by the Landlord had addressed the issues raised by the Third-Party Applicant in their application.
12. The tribunal accordingly determined that there was no requirement to make a repairing standard enforcement order in respect of the Property.

Observation

13. The Tribunal noted the terms of the EICR dated 8th December 2013 in respect of the Property. That report found the electrical wiring fixtures and accessories to be in a safe condition. The Report did, however, make an observation that the electrical switchgear and protection in the Property is obsolete and a recommendation that the electrical consumer unit is upgraded. Whilst the Tribunal noted that the Property has an RCD (which states it was installed in May 2018) the requirements of the Repairing Standard in relation to electrical equipment have been amended from March 2024. The Landlord should consider taking further advice from a suitably qualified electrician to ensure that the electrical system throughout the property meets current regulations as required by the recently amended Repairing Standard

Right of Appeal

A Landlord, tenant or third-party applicant 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.

A Cowan

Signature:

Chairperson: Andrew Cowan

Date: 20th May 2024