

Housing and Property Chamber
First-tier Tribunal for Scotland



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

STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 24(1) OF THE HOUSING (SCOTLAND) ACT 2006

Case Reference FTS/HPC/RP/24/1069

21 Printers Land, Clarkston, Glasgow, G76 8HP being the subjects registered in the Land Register of Scotland under Title Number LAN60818 (“the Property”)

The Parties:-

Mr Wing Fai Lai, 21 Printers Land, Clarkston, Glasgow, G76 8HP (“the Tenant”)

Emma-Louise Fergus, 1-3 Main Street, East Kilbride, South Lanarkshire, G74 4JH (“the Landlord”)

Tribunal Members:

Shirley Evans (Legal Member) and Lori Charles, Ordinary Member (Surveyor)

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 failed to comply with the duty imposed by Section 14 (1)(b) of the Act, and has determined to make a Repairing Standard Enforcement Order (“RSEO”).

Background

- 1. By application dated 4 March 2024 (hereinafter referred to as “the Application”) the Tenant applied to the Tribunal for 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 stated that the Tenant considered that the Landlord had failed to comply with the duty to ensure the Property meets the Repairing Standard and that the Landlord had failed to ensure compliance with section 13(1) of the Act.**

3. The Tenant provided within the Application details as to why he considered that the Landlord had failed to meet the Repairing Standard. By email dated 22 February 2024 to the Landlord's letting agents Angel Homes (Scotland) Ltd, the Tenant intimated a list of defects which the Tenant considered the Landlord required to repair in order to bring the Property up to the Repairing Standard. The Tenant also provided the Tribunal further emails with the letting agent dated 22 February-12 March 2024 regarding the items of disrepair.
4. The Application was accepted by the Chamber President and was referred for this Tribunal's consideration.
5. The Tribunal intimated to all parties that they would inspect the Property on 11 July 2024 at 10am. Parties were advised that an in-person hearing would be held at 11.45am on the same date at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT.
6. On 8 July 2024 Angel Homes on behalf of the Landlord emailed the Tribunal to advise they had spoken to the Landlord and she had asked them to send an electrician to either fix or replace the cooker hood and that they would send an urgent work order out that day. They also intimated they would not be attending the hearing.

Property Inspection

7. The Tribunal inspected the Property on 11 July 2024. The Tenant's wife Mrs Lai gave access to the Property and was present at the time of the inspection. The Tenant joined the inspection by Facetime on his wife's mobile phone. The Property is a two-storey modern terrace property. The Tribunal inspected the repairs detailed in the Application and found as follows:-

Kitchen

The electric extract fan over the cooker was tested and was found not to be working.

Drawer reported as unopenable was found to be a false drawer sited under the kitchen sink.

Living-room

The blinds were tested and it was noted that the mechanism housing the cord to open and close the blinds is broken. The blinds remain in the closed position.

Photographs were taken during the inspection by the Tribunal. Copies of the photographs, together with a summary of the Tribunal's general observations at the inspection, are attached as a Schedule to this Decision.

The Hearing

8. The in-person hearing in relation to the Application was held on 11 July 2024 at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. The parties did not attend and were not represented.

Findings in Fact

9. Having viewed the Property and having considered the available evidence which had been made available, the Tribunal make the following findings in fact -
 - i. The Landlord and the Tenant are parties to a tenancy agreement in respect of the Property at 21 Printers Land, Clarkston, Glasgow, G76 8HP. The tenancy commenced on 8 February 2024.
 - ii. The extractor fan over the cooker in the kitchen is a fitting provided by the Landlord under the tenancy between the parties. It is not in a reasonable state of repair or in proper working order.
 - iii. The blinds in the living room are a fitting provided by the Landlord under the tenancy between the parties. The mechanism housing the cord to open and close the living room blinds is broken. The blinds remain in the closed position. They are not in a reasonable state of repair or in proper working order.
 - iv. The Tenant emailed the Landlord's agents Angel Homes on 22 February 2024 requesting the Landlord to carry out repairs to the extractor fan, kitchen drawer and living-room blinds. The Landlord has failed to carry out such repairs as are necessary to rectify the issues identified by the Tenant to the extractor fan and to the blinds. The kitchen drawer is a false drawer sited under the kitchen sink.

Decision

10. Having inspected the Property and having considered the evidence by provided by the parties, the Tribunal were satisfied that the Property does not meet the Repairing Standard and in particular the Landlord has failed to comply with Section 13(1) (d) of the Act.
11. The Tribunal accordingly determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
12. The Tribunal proceeded to make a Repairing Standard Enforcement Order ("RSEO") as required by section 24(1) of the Act. The Tribunal determined to require the Landlord to: -

Repair or replace the extractor fan over the cooker in the kitchen of the Property so that it is in a reasonable state of repair and in proper working order.

Replace the blind in the living-room of the Property so that it is in a reasonable state of repair and in proper working order.
13. The Tribunal order that the works specified in the RSEO must be carried out and completed by 20 August 2024. The decision of the Tribunal is unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

S Evans

22 July 2024

Legal Chair

Date