

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

Chamber Ref: **FDS/HPC/RP/24/4002**

Land Register Title Number: GLA 77360

Re Property at Flat 1/2, 78 Glenkirk Drive, Glasgow G15 6AH ("the Property")

The Parties: -

1. Mr. Jarah Jerew, residing at Flat 1/2, 78 Glenkirk Drive, Glasgow G15 6AH ("the Applicant") and
2. Mr. Mohammed Mushtaqur Reham, residing at 54 Pasture Road, Wembley, London HA0 3JP ("the Respondent")

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
Mr. Lori Charles, Ordinary Member (Surveyor)

Background

1. By an application dated 27th November 2024, the 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 Applicant is represented in his application by Glasgow City Council, G15 Thriving Places, 320 Kinfauns Drive, Drumchapel, Glasgow G15 7HA (“the Applicant’s representative”).
3. The application specified that the Applicant did not consider that the Property met the Repairing Standard duty imposed by Section 14 (1)(b) of the Act for the following reasons (in summary): -
 - a) Leak and water damage to ceiling in bathroom and kitchen
 - b) Floor in hallway, master bedroom, single bedroom, kitchen and bathroom have rotted, caused by a leak
 - c) Infestation due to rotten wood
3. Notice of Referral to the Tribunal under section 22 (1) of the Act was sent to the parties on 31 December 2024.

Hearing and Inspection

4. The tribunal inspected the Property on the morning of 14th February 2025. Both the Applicant and the Respondent were present during the inspection.
5. In advance of the hearing the Respondent had lodged several submissions and productions with the Tribunal. These had been copied to the Applicant. The submissions explained that several repairs had been carried out to the Property. The Respondent explained that the owners of the flat above the Property had now repaired a leak which had caused excessive water damage to the Property. Thereafter the Respondent had instructed works on the Property which included repairs to the ceilings, flooring throughout, and replacement of carpets and floor coverings. As a result, the Respondent maintains that the Property is now dry and free from dampness.
6. At the inspection of the Property the Tribunal noted that, by using a damp meter, the Property was dry and free from dampness. The Tribunal observed that new floor coverings had been fitted throughout the Property.
7. At the inspection the Respondent confirmed that he was satisfied that all the matters raised in his application had been repaired and resolved by the Landlord.
8. A hearing took place at Glasgow Tribunals Centre, 20 York Street, Glasgow at 1000 on 14th February 2025. As parties had agreed, at the

inspection, that all matters raised in the application had been resolved they did not attend the hearing.

Findings in Fact

9. The Tribunal finds the following facts to be established: -
 - a. There is no significant dampness in the Property.
 - d) The flooring in the Property is in a reasonable state of repair.
 - e) New floor coverings have been supplied throughout the Property
 - f) There is no evidence of infestation due to rotten wood
 - g) The Property is in a reasonable state of repair.

Reasons for the Decision

10. The tribunal noted that the Landlords have recently carried out works to the Property. The works carried out by the Landlord have addressed the issues raised by the Applicant in his application.
11. The tribunal accordingly determined that there was no requirement to make a repairing standard enforcement order in respect of the Property.

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.

Chairperson: Andrew Cowan

Date: 14th February 2025

