



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

Reference number: FTS/HPC/RP/24/4076

Land Register Title number REN85219

Re: Property at Flat 0/2, 10 Netherhill Crescent, Paisley PA3 4RU (“the Property”)

The Parties:

Laura McClelland and Reece Evans (“the Applicants/Tenants”) represented by Ms Stella Cojocar, Renfrewshire Citizens Advice Bureau

Keith Campbell , residing at 8 Acer Crescent, Paisley PA2 9LR (“the Respondent/Landlord”)

Tribunal members

James Bauld (Legal Member) and Sara Hesp (Ordinary Member)

Background

1. By application initially lodged on 3 September 2024, the applicants as tenants of the property made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that they believed that the respondent who is the landlord was failing to comply with the duty imposed on him by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as “the 2006 Act”). They complained that the property did not meet the repairing

standard set out in the 2006 Act.

2. In the application, the tenant had raised a number of issues. The tenants complained in the application that there was no electrical safety certificate (or more accurately an Electrical Installation Condition Report (“EICR”)) for the property and that the fire and smoke alarms did not meet the necessary requirements. It was claimed that the cooker extractor hood, the oven and two of the rings on the hob did not work.
3. It was also indicated that the waste pipe on both the sink and the toilet in the bathroom required to be fixed and the ceiling light in the bathroom required to be fixed or replaced. It was also stated that the main bedroom radiator valve need replaced.
4. The application also further indicated that there was no carbon monoxide detector present in the property and that pest proofing was required to prevent infestation by rats that.
5. On 17 September 2024 the tribunal determined that the application could be referred to the tribunal for determination.
6. An inspection and hearing were subsequently arranged to take place on 15 January 2025 and appropriate intimation of the time and date was sent to all parties.

The inspection

7. The tribunal members attended at the property on 15 January 2025 at 10.00 a.m. to carry out an inspection. The tenant, Mr Evans was present. The landlord was also present. Ms Cojocar, the tenants’ representative was also in attendance.
8. The tribunal carried out an inspection of the property. A report of what was observed at the inspection (including a schedule of photographs) prepared by the ordinary member of the tribunal is attached to this decision.

The hearing

9. The hearing took place on 15 January 2025 at 11.30 a.m. at Glasgow Tribunals Centre.
10. At the Hearing the tenants were not present but were represented by Ms Cojocar from Renfrewshire Citizens Advice Bureau. The landlord, Mr Campbell, was also present..
11. At the hearing both Mr Campbell and Ms Cojocar were questioned by the

tribunal with regard to the observations which had been made at the inspection.

12. In its inspection and as set out in the summary report attached to this decision, the tribunal ascertained that there were only three remaining outstanding issues, namely that the oven was not working properly, the heat detector in the kitchen was not functioning and the EICR which had been lodged by the landlord in advance of the inspection and hearing did not appear to have been carried out by an appropriately qualified contractor.
13. Mr. Campbell explained to the tribunal that the issues of disrepair which had been present in the property had arisen mainly as a result of a series of water leaks from the flat above which had started in July 2024. That flat was owned by the local council and he had been unable to get them to attend their flat to carry out works to stop the water leak. Over the course of the last six months he has arranged for contractors to attend the property to carry out significant repair works including the required works to repair the hob and extractor hood, to attend to the radiators, to repair the leaking waste pipes in the bathroom and to deal with additional repairs not listed in the application which had arisen since the application was lodged. It was indicated to the tribunal that at one point the bathroom ceiling had collapsed owing to the water ingress from the flat above. Mr Campbell had arranged for his tenants to be placed into alternative temporary accommodation while he effected appropriate repairs to the ceiling of the bathroom and the bathroom itself.
14. With regard to the outstanding works required to the oven and the heat detector, it was Mr Campbell's position that he had instructed a contractor who has been recommended to him by another landlord and he has assumed the contractor had carried out the required works properly. He indicated to the tribunal that he would now take appropriate steps to instruct another contractor to attend the property to effect these repairs.
15. Mr. Campbell explained to the tribunal that he was not a professional landlord. This was the only flat which he owned and acted as a landlord. He was not a member of any of the relevant landlords associations nor had he been able to obtain any specific professional advice on his duties as a landlord.
16. With regard to the EICR, Mr Campbell indicated he had instructed a contractor. He was not aware that the contractor required to be registered with one of the three bodies, nor was he aware that his appointed contractor was not so registered. He again indicated that he would take appropriate steps to have the EICR completed by an appropriately registered contractor.
17. Mr. Campbell expressed his ongoing frustration with the lack of assistance that he has obtained from the local council with regard to the repairs required to the flat. The tribunal indicated to him that he required to seek independent legal advice on any potential remedy what she may have against the co.
18. Ms. Coccojaru indicated that the position as seen by the tribunal and as

explained by Mr Campbell was agreed by the tenants.. Only the works required to the oven and the heat alarm were required together with the production of an appropriately certified EICR

19. The tribunal thereafter concluded the hearing and thanked the parties for their attendance and assistance. The tribunal indicated it would issue its decision which would include an appropriate order relating to the outstanding works which were required and which appeared to be a matter of agreement between the parties.

Observations and findings in fact

20. The property comprises a ground floor, main door flat within a two storey block. Originally built on behalf of the local authority, the property is approximately 75 years old and is now in private ownership.
21. The outer walls are of non-traditional construction and the walls are clad externally. The roof is pitched with concrete tiles. The accommodation comprises living room, two bedrooms, kitchen and bathroom.
22. The property is occupied under and in terms of a private residential tenancy governed by the Private Housing (Tenancies) (Scotland) Act 2016
23. The applicants are the tenants and the respondent is the landlord in terms of that tenancy.
24. The property requires to comply with the repairing standard as set out in the Housing (Scotland) Act 2006 as amended
25. The oven within the kitchen is not in a reasonable state of repair and is not in proper working order.
26. The heat detector/alarm in the kitchen is not working and is not interlinked to the existing smoke detectors within the property
27. The Electrical Installation Condition Report which has been produced does not appear to have been prepared by a contractor who is a SELECT, NICEIC or NAPIT registered electrician

Discussion and reasons for decision.

28. The tribunal carefully considered the evidence which had been obtained at the inspection, the information contained in the tribunal papers and the evidence

given by the representatives at the hearing.

29. The tribunal has concluded that this property does not currently meet the repairing standard set out in the legislation. It requires a number of works to bring it up to standard. The Landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006.
30. The tribunal accordingly proposes to make a repairing standard enforcement order requiring the landlord to undertake a number of works.
31. The required works will be as follows
 - To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an Electrical Installation Condition Report (EICR) to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards
 - Repair (or replace) the heat detector in the kitchen, ensuring that it meets the requirements contained in the with the Housing (Scotland) Acts 1987 and 2006 and in particular that it is interlinked to the existing smoke detectors within the property
 - Repair (or replace) the oven within the kitchen to ensure that it is in a reasonable state of repair and in proper working order.
32. The appropriate repairing standard enforcement order is attached to this decision.
33. The decision of the tribunal is unanimous.

J Bauld

Signed

Date 7 February 2025

Housing and Property Chamber
First-tier Tribunal for Scotland



0/2 10 Netherhill Crescent, Paisley PA3 4RU

FTS/HPC/RP/24/4076

Schedule of photographs

All photographs were taken on 17 January 2025.



Photograph 1: Front elevation

FTS/HPC/RP/24/4076

Photograph 2: Kitchen: Gas hob (working)



Photograph 3: Kitchen: Extractor hood



FTS/HPC/RP/24/4076



Photograph 4: Kitchen: Oven



Photograph 5: Kitchen: Gas boiler in cupboard

Photograph 6: Kitchen: Carbon monoxide detector



Photograph 7: Kitchen: Heat detector (not working)



Photograph 8: Hallway: Smoke detector



Photograph 9: Living room: Smoke detector



Photograph 10: Main bedroom 1: Radiator valve (replaced)



Photograph 11: Bathroom: WC waste pipe



Photograph 12: Bathroom: Sink waste pipe



Photograph 13: Bathroom: ceiling light



FTS/HPC/RP/24/4076