

Housing and Property Chamber
First-tier Tribunal for Scotland



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: HPC/RP/24/4368

PROPERTY: - 51 Dryburn Avenue, Glasgow, G52 2RZ registered in the Land Register of Scotland under title number GLA39271 ('The Property')

THE PARTIES:-

Samantha Devlin, residing at 51 Dryburn Avenue, Glasgow, G52 2RZ ('the Applicant and tenant').

Olubusola Ojumu, residing at 190 The Broadway, Loughton, IG10 3TF ("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Virgil Crawford (Legal Member) and Kingsley Bruce (Ordinary / Surveyor Member).

The Tribunal determined as follows:-

BACKGROUND

1. By application dated 16 September 2024 The Applicant raised an issue in relation to repairing standards at the Property.
2. The application related only to issues relating to the bathroom at the Property. It said ***"The complaint is about my bathroom, I have had plumbers out several times and they have confirmed that the shower is unsafe and that it needs replaced with a full new bathroom, the landlord is refusing this and has also told me that the shower can collapse at any time. I live with my daughter and this is very unsafe. I'm not able to use my shower or my sink as it keeps flooding downstairs neighbour. The landlord has now blocked me from messaging her."***

3. The Applicant subsequently forwarded to the Tribunal a gas safety certificate suggesting there was an issue with the gas supply at the cooker. A proper consideration of the certificate, however, showed that it raised an issue as an “advisory” rather than indicating the supply was unsafe or dangerous. Separately, the Respondent thereafter forwarded an e mail confirming the issue referred to in the certificate had been attended to and a further gas safety certificate which was in clear terms. At the inspection the Applicant confirmed this matter had, indeed, been attended to and was no longer an issue. The Tribunal also noted, however, that this specific matter did not form part of the application to the Tribunal.
4. Separately, the Applicant referred to an issue with a leak from an external downpipe relating to the bathroom. The Applicant advised this is a defect which had been noted by the local authority (which may own other properties within the block of which this property forms part). The Applicant also advised, however, that the necessary work to rectify this defect had already been completed and, while there may still be a minor issue, that was being attended to soon. From the point of view of the Applicant, this was no longer an issue. The Tribunal again, however, noted that this matter did not form part of the application to the Tribunal.

THE INSPECTION

5. The subject property was inspected on Friday 16 May 2025, by Mr Kingsley Bruce (Ordinary/Surveyor Member) and Mr Virgil Crawford (Legal Member). Weather conditions were dry and bright following a period of settled weather. The property was occupied. The inspection was undertaken of external elements of the property, from ground level, whilst standing within the curtilage or from the public highway adjacent.

Access

6. The tenant Miss Samantha Devlin was present, the Landlord. Ms Olubusola Ojumu was also present.

Work Required

7. Nature of Work required, stated in an application to the Tribunal dated 16 September 2024 is, in brief, *Bathroom- defective shower, causing flooding to flat below.*

Findings

8. The shower cubicle had been replaced and there was no evidence of leakage. It was acknowledged by both parties that these works had been completed. No evidence of significant defect was seen. There was historic water marking to exposed flooring noted and slight damage to floor boarding adjacent to the shower.

Photographic schedule

9. The following photographs were taken at the inspection: -

Bathroom floor



Replacement shower cubicle



DISCUSSION

10. The Applicant confirmed that the shower had been replaced and there was no ongoing problem. She advised that she contacted the Tribunal to withdraw the application and inspection, but appreciated that once the application had been made the Tribunal required to conduct an inspection. The Applicant also acknowledged that the other matters raised by her after her application was submitted – the issue with the gas cooker and the external downpipe – had also been attended to.
11. A hearing was scheduled to take place at 11.45am, following the inspection of the Property. The Applicant advised that due to child care commitments she was unable to attend the hearing. Given the findings of the Tribunal following the inspection, Parties agreed there was no need for a hearing.
12. In the circumstances, the Tribunal was satisfied, having inspected the Property, that there were no repairing issues outstanding at the time of the inspection. The Tribunal determined that there is no requirement for a repairing standards enforcement order and that the application should be dismissed.

DECISION

The Tribunal, having determined there were no repairing issues affecting the Property at the time of the inspection, dismisses the application.

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.

V Crawford

Date 16th May 2025