



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 60(5) of the
Housing (Scotland) Act 2006**

Chamber Ref: FTS/HPC/RP/25/0229

**15B Lawson Drive, Ardrossan, KA22 7JG being the subjects registered
in the Land Register of Scotland under Title number AYR43498 (“the
Property”)**

The Parties:-

**Jacqueline Imrie residing at 15B Lawson Drive, Ardrossan, KA22 7JG
 (“The Tenant”)**

**Mrs Andrea Gibson, CHAP, Michael Lynch Centre, 71 Princes Street,
Ardrossan, KA22 8DG (‘The Tenant’s Representative’)**

**Kenneth Malloy residing at 3A Cubrieshaw Drive, West Kilbride, KA23
9DU (“The Landlord”)**

Tribunal Members:

Jacqui Taylor (Chairman) and Donald Wooley (Ordinary Member)

1. Background

1.1 The Tenant leases the Property from the Landlords in terms of the lease between the parties dated 9th December 2014.

1.2 The Tenant applied to the Tribunal for a determination of whether the Landlords have failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (‘the Act’).

2. Application

The application by the Tenant dated 20th January 2025 stated that she considered that the Landlord has failed to comply with his duty to ensure that the Property meets the repairing standard. She advised the fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and proper working order and the Property does not have an effective system for the drainage and disposal of foul and surface water.

In particular the application stated that the work that needed to be carried out was as follows:

2.1 All windows have gaps and cause draughts and all windows cannot close properly.

2.2 Roof- leaking and beams black with mould.

2.3 Kitchen cupboards- black mould inside.

2.4 The boiler is not functioning properly.

3. Notification.

The Tenant's Representative had notified the repairs detailed in the application to the Respondent by email dated 24th May 2024.

4. Notice of Acceptance

On 13th February 2025, Josephine Bonnar, as Convenor of the First- tier Tribunal (Housing and Property Chamber), signed the Notice of Acceptance which stated that she had considered the application, comprising documents received on 20th January 2025 and she referred the application under Section 22 (1) of the Act to a Tribunal.

5. Inspection

The Tribunal attended at the Property at 14.00 am on 30th June 2025.

The Tenant and the Landlord were present at the inspection.

The Property is an ex local authority mid terraced two storey property which dates from circa 1970. The accommodation comprises living room, three bedrooms, bathroom and kitchen. The Tenant had subdivided the livingroom into separate living and bedroom areas. There is garden ground to the front and rear. The weather was dry. There had been no significant periods of rain for a number of months.

The Tribunal inspected the alleged defects and found:-

5.1 All windows have gaps and cause draughts and all windows cannot close properly.

New fully functional UPV double glazed windows had been installed throughout the Property.

5.2 Roof- leaking and beams black with mould.

Mr Wooley carried out a head and shoulders inspection of the attic and the roof space and found no evidence of any significant recent damp, condensation or mould.

5.3 Kitchen cupboards- black mould inside.

New kitchen units had recently been installed.

5.4 The boiler is not functioning properly.

The boiler had recently been serviced and the Tenant advised that it was operating correctly. She showed the Tribunal the Gas Safety Certificate by J Paterson of Home Care Gas Services, Irvine dated 23rd July 2025. The parties confirmed that the date contained an error and the actual date should

be 23rd June 2025. The Certificate confirmed that the condition of the gas installation in the Property was satisfactory.

5.5 Although it was not specifically mentioned in the application to the Tribunal, the tenant had previously raised the issue of mould with the landlord who, in his subsequent written representations confirmed that the “Tenant asked for anti mould paint to address the mould issue, tenant kindly offered to paint it herself”. He provided the appropriate paint to the tenant. No visible evidence of damp or mould was noted although localised positive damp readings were identified above the window in the front left bedroom as viewed from within.

Photographs were taken during the inspection and are attached as a Schedule to this Decision.

6.Hearing

This hearing was held following the inspection at 15.30 am on 30th June 2025 at Ardeer Community Centre, Shore Road, Stevenston, KA20 3NB. The Tenant did not attend the hearing but her representative Andrea Gibson attended the hearing and represented the Tenant. The Landlord attended the hearing.

In connection with the matters detailed in the application Mr Wooley described the matters observed at the inspection, as detailed above, and the Landlord and Andrea Gibson advised as follows:

6.1 All windows have gaps and cause draughts and all windows cannot close properly.

Mr Wooley confirmed that new UPV windows had been installed throughout the Property. The Landlord confirmed that the windows were installed on 5th September 2024.

6.2 Roof- leaking and beams black with mould.

Mr Wooley confirmed that he had been able to inspect the roof space. He advised that the roof covering is the original and approximately 50 years old. The roof is of timber frame construction with bitumen underfelt and plasterboard sarking. Some of the plasterboard sarking was missing exposing the black bitumen underfelt. The roof space was well insulated. There was no evidence of ongoing dampness or recent condensation. Isolated small areas of historic “staining” were noted although were completely dry. No evidence of black mould was noted at the roof “beams”.

6.3 Kitchen cupboards- black mould inside.

Mr Wooley confirmed that new kitchen cabinets and worktop had been installed. The Landlord advised that they had been installed on 10th June

2025. He explained that there had been a delay as the tradesman he used had not been available.

6.4 The boiler is not functioning properly.

Mr Wooley confirmed that the Tenant had confirmed that the boiler had been recently serviced and it was working correctly.

Andrea Gibson advised that as the Tenant had confirmed she was happy with the repairs that have been carried out she had nothing further to add.

7. **Decision**

The Tribunal made the following findings in fact:

7.1. The windows in the Property had recently been replaced and are in a reasonable state of repair and proper working order.

7.2 The roof is original and having regard to its age and design is in a reasonable condition.

7.3 There is no current evidence of condensation or recent mould in the roof space.

7.4 The Kitchen units had recently been installed and were in good condition.

7.5 The boiler had recently been serviced.

7.6 The Gas Safety Certificate by J Paterson confirmed that the gas installation was in a satisfactory condition.

7.2 The Tribunal determined that the repairs detailed in the application had been satisfactorily completed and they complied with the Repairing Standard.

8. The decision of the Tribunal was unanimous.

9. 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.

Jacqui Taylor

Signed
Chairperson
Date: 1st July 2025

Schedule of Photographs
15B Lawson Drive Ardrossan
FTS/HPC/RP/25/0229

Schedule of Photographs taken at the inspection on 30 June 2025



1. Front elevation



2.



3.



4.

Photographs 1-4 illustrate examples of the recently installed double glazed windows



5.



6.

Photographs 5 and 6 illustrate the recently installed kitchen units



7.



8.

Photographs 7 and 8 confirm the presence of insulation in the roof space and illustrate those areas where the plasterboard sarking is no longer present, exposing the bitumen underfelt. Isolated residual staining is also visible.



9.



10.

Photograph 9 confirms the presence of localised damp readings above the front left bedroom window as viewed from within and 10 highlights the external gutter/joint as a potential source of water ingress.

This schedule of photographs was taken during an inspection of the property by the First-tier Tribunal for Scotland, Housing and Property Chamber, on Monday 30th June 2025 in connection with a Repairing Standard application under consideration.

Weather conditions were dry, warm and overcast following several months of predominantly dry and sunny weather.

Donald Wooley MRICS

30 June 2025

