



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 26 (1) of the Housing (Scotland) Act 2006

Chamber Reference number: FTS/HPC/RP/24/5358

Re: Property at 30 Parkhead Gardens, Edinburgh EH11 4RR (“the Property”)

Title No: MID119927

The Parties:

Mr Andrew Campbell, 30 Parkhead Gardens, Edinburgh EH11 4RR (“the Tenant”)

Mr William Goodfellow, 36 Atheling Grove, South Queensferry EH30 9PF (“the Landlord”)

**Tribunal Members: George Clark, Legal Member
Greig Adams, Ordinary (Surveyor) Member**

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 determined that the Landlord has failed to comply with that duty. The Tribunal made a Repairing Standard Enforcement Order in respect of the Property.

Background

1. By application, dated 19 November 2024, the Tenant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“the Tribunal”) for a determination of whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The application stated that the oven was not working properly, there were electrical issues with the shower, the toilet handle was broken, the plumbing in the bathroom needed acid treatment due to slow draining, the skirting board in the living room was not flush to the wall, fence panels had been dumped in the garden, the front door handle does not always work and the glass fitting is not sealed, the kitchen window has a handle missing, wallpaper in the

kitchen is falling off, the bathroom is not fully watertight as there is only carpet on the floor and the wall at the back door is crumbling.

3. On 23 June 2025, the Landlord stated in an email to the Tribunal that everything on the list of defects provided by the Tenant had been fixed or a tradesman had been instructed to sort them. He attached a copy of an email he had received from a firm of contractors on 5 December 2024, which followed an inspection by them and indicated that the Property was severely damp due to a lack of ventilation and that belongings and clothes stacked up against radiators were allowing heat to build up but not to circulate.
4. On 26 June 2025, the Tenant contested the findings of the contractors. He said that the Property is well ventilated and that the windows are almost always open and that he and his family would not stack clothes in front of a radiator. The condensation on the wall in the kitchen was coming out of the wood due to moisture and rising damp in the walls. There was also condensation between the windowpanes, indicating that the moisture was coming in externally, not internally.
5. On 8 July 2025, the Tenant provided screenshots of correspondence with the Landlord regarding mould and photographs of a washing machine and fridge freezer that the landlord has stored in the Property for more than 9 years, and of the wall in the back room and evidence of wood left at the rear of the Property.

The Inspection

6. The Tribunal Members inspected the Property on the morning of 16 July 2025 and were admitted by the Tenant. The Landlord was not present. A Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Statement of Decision.
7. The Tenant advised the Tribunal that the oven has been replaced, the electrical problem at the shower has been resolved, as has the issue with the bathroom plumbing and the living room skirting board. The fence panels in the garden have also been removed

The Hearing

8. Following the Inspection, a Hearing was held at George House, 126 George Street, Edinburgh with both Parties in attendance. The Landlord was supported by his wife.
9. The Ordinary Member of the Tribunal explained to the Landlord the findings of the Inspection. These are summarised below:

(i) Mould

There was noted to be mould contamination evident within the Property, most significantly affecting the Bedroom and Living Room at low level to external walls. A combination of quantitative and qualitative moisture meter readings were recorded within the Property and a small area of elevated readings was noted within the Living Room to the external wall affected by mould growth. Various measurements were recorded regarding the environmental conditions prevalent at the Property in order to assess any "active" condensation. An example data set outlines various environmental data recorded at the time of inspection such as Relative Humidity of 71.6%, Ambient temperature of 21.4°C and Dewpoint of 16.2°C. The Relative Humidity was considered to be high at the time of our inspection. Infra-red images were also recorded utilising a Thermal Camera which allows surface temperatures to be recorded which when linked to the dewpoint allows any areas falling below dewpoint to be highlighted. Surface temperatures were all above the dewpoint, so condensation was not actively occurring to the surfaces exposed and visible. However, the surface humidity recorded to suspect areas was found to extend above 80% which over a prolonged period of time provides conditions conducive to mould growth. During colder external ambient temperatures (such as during the winter period), low level areas to external walls will be more vulnerable to condensation risks due to the impact of thermal bridging to such parts.

(ii) Bathroom

The toilet cistern flush was attempted to be operated however, the flush handle simply spun round and no flush was activated, with such parts considered to be in poor condition. Present operation was noted to be impaired and there is an unreasonable reliance on the Tenant to remove the cistern lid to activate the internal components due to the defective flush handle.

The Tenant had raised concerns regarding the presence of a carpet floor covering within the Bathroom however, the Repairing Standard does not specify specific flooring types to be utilised to such areas. Any water damage present was considered to be minor such as to the bath panel and was not considered to represent a breach of the Repairing Standard.

(iii) Defective plastering

Within the Bedroom adjacent to the rear external doors, there was noted to be areas of defective plasterwork where the bond was defective, where areas of plaster had already debonded and fallen, whilst, on touching areas of plaster above this, various plaster debris was falling from the wall. The extent of damage extended over a sizeable area and below reasonably fit for human habitation expectations.

(iv) External Doors & Windows

The main entrance door handle and cover plate exhibited slight movement, there were minor issues with the letterbox whilst during a smoke test of the compression seals there was an area of minor smoke escape evident.

However, the door was still considered to be fit for purpose and operational with the door considered to have adequate integrity.

The Kitchen window was reviewed and there was noted to be 1 No. broken lever handle to the top hopper, such parts are therefore not in a reasonable state of repair or on proper working order.

10. The Parties commented on the findings as summarised above and the Landlord confirmed that he had a current Electrical Installation Condition Report which he would forward to the Tribunal. The Tenant reiterated the views he had expressed in his written representations.

11. The Landlord subsequently provided the Tribunal with a partial copy of an Electrical Installation Condition Report dated 21 February 2025. He did not, however, provide a full copy. The overall assessment from Mr Mark Manderson of Mr M Electrical, Broxburn, was "Satisfactory". The Landlord also provided the contractor's Invoice for the EICR report and for replacing and repositioning the shower switch. The Tribunal had noted that the light fitting in the hall of the Property was exposed and not properly fixed to the ceiling.

Reasons for Decision

12. The Tribunal's view was that the dampness and mould evident in the Property appears to be condensation. The Tribunal would recommend the installation of internal mechanical ventilators in the kitchen and bathroom.

13. The defective plasterwork in the bedroom adjacent to the Rear external door requires to be hacked off and replaced, with any necessary consequential redecoration carried out.

14. The toilet flush handle requires to be replaced.

15. The broken lever handle to the top hopper of the kitchen window requires to be replaced.

16. The Tribunal would expect the Landlord to remove without further delay the white goods belonging to him which are stored in the Property.

Decision

- (i) Having considered carefully all the evidence before it, the Tribunal made a finding that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act and decided to make a Repairing Standard Enforcement Order.
- (ii) The Tribunal's Decision was unanimous.

G Clark

Legal Member 6 August 2025