

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Chamber Reference: FTS/HPC.RP/24/5773

Land Register Title Number: GLA39644

Re Property at Flat 4/3, 266 Camphill Avenue, Glasgow G413AS (“the Property”)

The Parties: -

Mr. Michael McGowan, residing formerly at Flat 4/3, 266 Camphill Avenue, Glasgow G413AS (“the Tenant”) and
Mr. Graham Dingwall, residing at Oakland, 4, The Old Orchard, Burwash, East Sussex TN197BF (the Landlord”)

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 in relation to the Property, determined that the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Act, and therefore no Repairing Standard Enforcement Order requires to be made.

The Tribunal comprised: -

Mr. Andrew Cowan, Legal Member, and
Mr. Andrew Murray, Ordinary Member (Surveyor)

Background

1. By an Application dated 17th December 2024, the Tenant 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 ("the Act").

2. In the Application the Tenant had complained that he did not consider that the Property met the Repairing Standard duty imposed by Section 14 (1)(b). The Tenant claimed that the windows throughout the Property did not meet the Repairing Standard as they were single glazed. The Tenant complained that the bedroom window did not close correctly and (as there is no heating in the bedroom) that room was too cold to use in the winter months. The Tenant considered that the Property did not have adequate thermal insulation due to the condition of the windows at the Property.
3. A Notice of Acceptance of the Application by the Tribunal was issued on 28th February 2025. By that date the Tenant had intimated to the Tribunal that he had vacated the Property and was no longer a tenant. The tenant is no longer a party to the application. Due to health and safety concerns raised in the application, the Tribunal decided to continue to determine the application in terms of Schedule 2, Paragraph 7(2) of the Act.

Inspection of the Property

4. In advance of the Tribunal's inspection of the Property the Landlord had produced written evidence to the Tribunal that contractors had installed new uPVC double glazed windows throughout the Property. These new windows had been installed after the tenant had vacated the Property.
5. The Tribunal inspected the Property on the morning of 25th August 2025. The Tribunal was granted access to the Property by Mr. Scott Johnston from Slater Hogg and Howison, the Landlord's Letting Agents. The Landlord and the Tenant did not attend the inspection.
6. At the inspection of the Property the Tribunal noted that new double-glazed uPVC windows had been installed throughout the Property. All windows appeared to operate correctly and there was no evidence of any issues with the new windows which had been installed. There was no evidence of mould or damp staining in the Property. All the windows appeared to be generally in good order and working condition. The Tribunal noted that the bedroom of the Property does not have a fixed heater but also noted that the Landlord has supplied an electric heater and has planned to install a new panel heater in that bedroom in September 2025. The Property has a fixed heating system in the other rooms.
7. In these circumstances the Tribunal determined that there was no evidence to establish any ongoing failure by the Landlords to ensure that the Property met the Repairing Standard in relation to the issues raised by the Tenant in the Application.

Findings in Fact

8. The Tribunal find the following facts to be established: -

- a. The Property is not currently affected by dampness or mould.
- b. The windows within the Property are in a reasonable state of repair and in proper working order.

Reasons for the Decision

9. There is no current evidence to support the Tenant's complaint in the Application.
10. 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: 25th August 2025