

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Housing (Scotland) Act 2006 Section 24

Chamber Ref: FTS/HPC/RP/24/5537

The Property: Flat 2-2, 2 Haughview Terrace, Glasgow, G5 0LN (“The Property”)

The Parties:

Mrs Yin Fun Cheng, c/o Clyde Property Ltd, 8 Busby Road, Clarkston, Glasgow, G76 7XL (“the Landlord”)

Tribunal Members:

G McWilliams- Legal Member

L Charles - Ordinary Member

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 or not the Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006, as amended (“the 2006 Act”), in relation to the Property, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the 2006 Act and that a Repairing Standard Enforcement Order (“RSEO”) should be made.

Background

- 1. Former tenants of the Property applied to the Tribunal, on 3rd December 2024, in terms of Section 22 of the Housing (Scotland) Act 2006. The former tenants complained that the Landlord had not complied with elements of the Repairing Standard. The tenants ended their tenancy of the Property on 5th December 2024 and ceased to be parties in these proceedings.**
- 2. The Tribunal decided to proceed and consider the application as they believed that it was possible that the five disrepair issues, referred to by the former tenants in an email dated 16th January 2025, may cause health and safety issues for future tenants of the Property.**

3. The five stated disrepair issues were a faulty shower head, unsecure towel rail, broken oven grill, detached bath panel and a leaking toilet

Inspection

4. The Tribunal Members inspected the Property at 10am on 18th August 2025. The new tenants of the Property, Mr and Mrs N Sharma, were present.
5. A Schedule of Photographs, taken at the Inspection, is attached to and forms part of this Decision.

Hearing

6. Following the Inspection, the Tribunal held a Hearing at the Glasgow Tribunals Centre, Glasgow which proceeded at 11.45am on 18th August 2025. The Landlord's son, Mr L Cheng, and Ms S Murray, from the Landlord's Letting Agent, Clyde Property Ltd, attended.
7. The Tribunal informed Mr Cheng and Ms Murray of their visual and damp meter findings at the inspection. They stated that the first four issues referred to in paragraph 3 above had been addressed as satisfactory repairs had been carried out. The Tribunal stated that they had noted high moisture readings at the back wall and on floor tiles adjacent to the toilet in the bathroom. Mr Cheng and Ms Murray each accepted that the high moisture readings may be indicative of a toilet leak and that this issue requires to be investigated and repaired to ensure that the Property meets the Repairing Standard.
8. The Tribunal considered all of the evidence it had obtained at the Inspection and the statements of Mr Cheng and Ms Murray at the Hearing.
9. The Repairing Standard is set out in Section 13 (1) of the 2006 Act:

A property (house) meets the Repairing Standard if:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation,
- (b) The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
- (d) Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,
- (e) Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed,
- (f) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire,
- (g) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

(h) The house meets the tolerable standard.

Findings in Fact

10. Having considered all of the evidence, and the submissions of Mr Cheng and Ms Murray, the Tribunal made the following findings in fact:

- i) Satisfactory repairs have remedied the issues of a faulty shower head, unsecure towel rail, broken oven grill and detached bath panel.
- ii) There are high moisture readings at the back wall and on floor tiles adjacent to the toilet in the bathroom.

Decision, Reasons and Repairing Standard Enforcement Order (“RSEO”)

- 11.** In making their findings in fact the Tribunal, in particular, relied on their visual findings at the Inspection and the damp meter readings which they obtained. High moisture readings were obtained at the back wall and on floor tiles adjacent to the toilet in the bathroom.
- 12.** Having made their findings in fact, the Tribunal found in law that the installations in the Property for sanitation are not in reasonable state of repair and have brought the Property below the Repairing Standard in terms of the provisions of the 2006 Act.
- 13.** Accordingly, the Tribunal decided that the Property does not meet the Repairing Standard, specifically in terms of Section 13 (1) (c) of the 2006 Act.
- 14.** In reaching their decision the Tribunal relied on their findings at the Inspection as well as on the statements made by Mr Cheng and Ms Murray at the Hearing. Mr Cheng and Ms Murray each accepted that the high moisture readings may be indicative of a toilet leak and that this issue requires to be investigated and repaired to ensure that the Property meets the Repairing Standard.
- 15.** The Tribunal therefore determined that the Landlord has failed to comply with the duties imposed by Section 14 (I)(b) of the 2006 Act given the said high moisture readings around the toilet in the bathroom within the Property.
- 16.** The Tribunal have also decided to make an RSEO, as required by Sections 24 (I) and 24(II) of the 2006 Act, in the following terms:-
- a) The Tribunal now requires the Landlord to carry out such investigations and works as are necessary for the purpose of ensuring that the Property meets the Repairing Standard all in terms of Section 13(1) (c) of the 2006 Act and that any damage caused by the carrying out of any work in terms of this Order is made good. Specifically, the Landlord has to:**
 - i) carry out appropriate investigations to determine the cause of the high moisture readings around the toilet in the bathroom in the Property; and**

- ii) carry out such repairs and other works, to ensure that the moisture readings in the bathroom are reduced to safe levels, there is no dampness in that room and that the Property complies with the Repairing Standard; and
 - iii) provide appropriate documentation and/or certification confirming the execution of the repairs and works and that the moisture readings in the bathroom are reduced to satisfactory levels, there is no dampness in that room and that the Property complies with the Repairing Standard.
- b) In view of the nature of the failure to meet the Repairing Standard as defined in the 2006 Act, and the extent of the remedial works which require to be carried out, the Tribunal determines that the RSEO requires to be complied with by 31st October 2025.

17. The decision of the Tribunal is unanimous.

Right of Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

Signed: G McWilliams

Tribunal Legal Member

Date: 2nd September 2025

Housing and Property Chamber

First-tier Tribunal for Scotland



Pre-hearing inspection summary and schedule of photographs



Property

Flat 2-2 2 Haughview Terrace, Glasgow G5 0LN

Ref No:

FTS/HPC/RP/34/5537

Tribunal members *Mr Mc Williams Legal member and Ms Charles Ordinary member (Surveyor)*

Purpose of inspection

The purpose of the inspection is to prepare a record of the position at the property, specifically as it relates to the items raised in the application and any issues arising therefrom.

Access

The above Tribunal Members attended the property at 10:00am on 10/08/25. The new tenant gave access to the property.

Lori Charles

BSC (Hons) MRICS

Ordinary (Surveyor) Member
First-Tier Tribunal for Scotland
18/08/25

Appendix 1

Schedule of photographs taken during the inspection on 18/08/25

Kitchen



The kitchen grill was tested and found to be in working order.

Bathroom



Showerhead has been replaced and is in working order.

Bathroom Cont:



New bath panel fitted.



Towel rails removed and wall made good.

Bathroom Cont:



High moisture readings noted around the toilet and along the back wall that has a silicon seal. Grout is missing around some ceramic floor tiles where high moisture readings were also noted.