

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: FTS/HPC/RP/25/2119

26, Lainshaw, Kilwinning, KA13 6ND being the subjects described in the Feu Disposition by Irvine Development Corporation in favour of Hector Colin Morrison and Christina May Morrison recorded in the Division of the General Register of Sasines for the County of Ayr on 10th June 1986 ('The House')

The Parties:-

Suzanne Galt residing at 20, Hawkhill Drive, Stevenston, KA20 3DF ('the Landlord').

John Galt residing at 20, Hawkhill Drive, Stevenston, KA20 3DF ('the Landlord's Representative').

Jodie Scott residing at 26, Lainshaw, Kilwinning, KA13 6ND ('the Tenant').

Alister Meek, CHAP, 71 Princes Street, Ardrossan ('the Tenant's Representative')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Lorraine Charles (Ordinary Member).

Background

1. The Tenant applied to the Tribunal for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ('the Act').

2. The application dated 15th May 2025 stated that she considered that the Landlord has failed to comply with his duty to ensure that the House meets the repairing standard. She advised that the House is not wind and water tight and in all other respects reasonably fit for human habitation; the structure and exterior of the House (including drains, gutters and external pipes) is not in a reasonable state of repair and proper working order; 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 House does not meet the tolerable standard as it is not substantially free from rising or penetrating damp

In particular the application stated:-

2.1 The rear external door does not lock correctly and it needs to be repaired.

2.2 The patio door does not lock correctly. There is moisture and mould in between the glass panes. The door needs to be replaced.

2.3 The bedroom window does not close correctly. This needs to be repaired.

2.4 The Living room window does not close correctly. This needs to be repaired.

2.5 Handles and locks on bedroom doors do not function correctly. This lead to the tenant and their children being trapped in their rooms. These need to be repaired or replaced.

2.6 There is damp and mould throughout the tenancy. The cause needs to be inspected and appropriate work carried out to resolve.

2.7 The Landlord has not provided a current Gas Safety Certificate or EICR.

3. On 9th July 2025, Jacqui Taylor, 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 between 15th May 2025 and 27th May 2025, and she referred the application under Section 22 (1) of the Act to a Tribunal.

4. The Tribunal attended at the Property at 10.00 on 8th December 2025. The Landlords' Representative John Galt, the Tenant and the Tenant's aunt Margaret Fletcher were present at the inspection.

The Property is a mid terraced ex local authority property which dates from circa 1960.

The accommodation comprises three bedrooms, living room, kitchen and bathroom.

The Tribunal inspected the alleged defects and found:-

4.1 The rear external door does not lock correctly and it needs to be repaired.

The external kitchen door had been replaced recently and was in proper working order.

4.2 The patio door does not lock correctly. There is moisture and mould in between the glass panes. The door needs to be replaced.

The patio door accessed from the living room had been replaced recently and was in proper working order.

4.3 The bedroom window does not close correctly. This needs to be repaired.

The restrictor was missing from the window frame.

4.4 The Living room window does not close correctly. This needs to be repaired.

The living room window had been replaced recently and was in proper working order.

4.5 Handles and locks on bedroom doors do not function correctly. This has lead to tenant and their children being trapped in their rooms. These need to be repaired or replaced.

The handles on all of the bedroom doors had recently been replaced and were in proper working order.

4.6 There is damp and mould throughout the tenancy. The cause needs to be inspected and appropriate work carried out to resolve.

The Tenant advised that there was no damp in the Property and withdrew this complaint.

4.7 The Landlord has not provided a current Gas Safety Certificate or EICR.

The Landlord had sent the Tribunal copies of the Gas Safety Certificate dated 2nd December 2024 and the EICR dated 4th October 2024. The Reports were in order.

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

5. The Hearing.

Following the inspection of the Property the Tribunal held a hearing at 12:00 at Ardeer Community Centre, Shore Road, Stevenston, KA20 3NB.

John Galt, the Landlords' Representative attended the hearing. The Tenant did not attend the hearing but her Representative Mr Meek attended.

In respect of the matters in the application the Tenant's Representative advised that Ms Scott was satisfied that the works had been satisfactorily completed.

Mr Galt advised that his builder had ordered the window restrictor and hoped to fit it to the window in the next few days. He agreed to send the Tribunal photographs of installation.

Mr Galt also provided the Tribunal with a copy of the updated Gas Safety Certificate dated 20th November 2025. The Report was in order.

6. Decision.

6.1 The Tribunal were satisfied that the rear external door, the patio door, the living room window and the handles and locks on the bedroom doors had been satisfactorily repaired.

6.2 The Tribunal were satisfied that the Gas Safety Report dated 20th November 2025 and the EICR dated 4th October 2024 were valid and compliant.

6.3 The Tribunal found that the absence of the restrictor for the bedroom window resulted in the bedroom window not being result in them not being in a reasonable state of repair and in proper working order (Section 13(1) (b) of The Housing (Scotland) Act 2006).

6.4. The Tribunal accordingly determined that the Landlord had failed to comply with the duty imposed by Section13(1)(b) of the Act, as stated.

6.5. The Tribunal proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).

6.6. The decision of the Tribunal was unanimous.

Appeal

7. 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.

J Taylor

23rd December 2025