

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**STATEMENT OF DECISION:** in terms of Section 24 (1) of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22 of the Act

**Chamber Ref:** FTS/HPC/RP/25/1995

**Re:** Property at 92 Carnoustie Crescent, East Kilbride, G75 8TE and registered in the Land Register of Scotland under Title Number LAN107314 (“the Property”)

**The Parties:**

**Misadep Properties Limited** having their registered office at 15, Beech Grove, Aveley, RM15 4AS (“the Landlord”) per their agents, **James & George Collie LLP**, 1 East Craibstone Street, Aberdeen, AB11 6YQ (“the Landlord’s Agents”)

**Tribunal Members:**

**Karen Moore** (Chairperson) and **Carol Jones** (Ordinary and Surveyor Member)

**Decision of the Tribunal**

The Tribunal determined that the Landlord has failed to comply with the duty imposed on her by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1)( c ) , 13 (1) (d), 13(1) (h) and 13(1)(j) of the Act.

### **Background**

1. By application dated 7 May 2025 (“the Application”), the then tenant of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on them by Section 14(1)(b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1)(a),13(1) (c), 13 (1) (d) , 13(1) (h) and 13(1) (j) of the Act.
2. The Application comprised a copy of the tenancy agreement between the then tenant and the Landlord dated 13 June 2024, copy correspondence between the then tenant and the Landlord regarding repairs to the Property, copy photographs of the condition of parts of the Property, copy Gas Safety Record dated 24 May 2024, copy Legionella Risk Assessment dated 29 June 2024 and copy Electrical Installation Condition Report dated 13 February 2025.
3. The Application noted the following heads of complaint:
  - i. Fungus and mould in the airing cupboard from the leaking shower;
  - ii. Mould and damp in bathroom;
  - iii. Back door leaking and not airtight;
  - iv. Landlord appliances not fit for purpose;
  - v. Kitchen worktops damaged;
  - vi. Back garden lawn has no drainage, and flooding makes it unusable;
  - vii. Plaster on kitchen walls rising and breaking due to damp;
  - viii. Black mould growing behind appliances in kitchen;
  - ix. Kitchen floor rising and breaking due to damp;
  - x. Door handles around house keep snapping due to being old and perished;

- xi. Children's bedroom window has black mould and damp around sealants.

The application also raised issues in relation to gas and electrical safety.

- 4. The Application was referred to the Tribunal. An Inspection of the Property and a Hearing were fixed for 15 January 2026.
- 5. Prior to the Inspection and Hearing, the Landlord's Agents advised the Tribunal that the tenant had removed from the Property and that the Property had been relet. Due to the nature of the complaints, the Tribunal continued the Application at its own instance.
- 6. Also prior to the Inspection and Hearing, Mr. Wande Arogbofa, the Landlord's Property Manager, submitted copy correspondence with the former tenant regarding the conduct of the tenancy, and during the Hearing he submitted copy Gas Safety Record dated 7 September 2025 and a further copy of an Electrical Installation Condition Report dated 29 June 2024.

### **Inspection and Hearing**

- 7. The Inspection of the matters complained of in the Application took place at the Property on 15 January 2026 at 10.00 am. The Landlord was represented by Mr. Wande Arogbofa, the Landlord's Property Manager. The current tenant of the Property was present in the Property but took no part in the proceedings.
- 8. A Schedule of Photographs taken at the Inspection was prepared and is annexed hereto.
- 9. The Hearing took place on 15 January 2026 at 12.15 pm at the Glasgow Tribunal Centre, York Street, Glasgow. The Landlord was again represented by Mr. Arogbofa.

10. The Tribunal discussed the Inspection with Mr. Arogbofa as follows:

- i) Fungus and mould in the airing cupboard from the leaking shower.  
The Tribunal noted that there was no evidence of this issue.
- ii) Mould and damp in the Bathroom  
The Tribunal noted that there was no evidence of this issue.
- iii) Back door leaking and not airtight.  
The Tribunal accepted Mr. Arogbofa's explanation that a upvc bar had been added to the door to ensure that it is airtight and that carpeted flooring had been replaced by vinyl tiles to monitor any water ingress. The Tribunal noted no evidence of water ingress.
- iii) Landlord appliances not fit for purpose.  
Mr. Arogbofa confirmed that the washing machine, dryer and dishwasher had all been replaced by the Landlord before the new tenant moved in. With regard to the handle on the oven, Mr. Arogbofa stated that this had been reported by the new tenant and would be replaced.
- iv) Kitchen worktops damaged.  
Mr. Arogbofa stated that he thought that the worktops were of an age or that the damage had been caused by the former tenant. His view was that the damage did not affect functionality and so there were no plans to repair or replace the worktops.
- v) Back garden lawn has no drainage, and flooding makes it unusable.  
Mr. Arogbofa stated that he thought that the poor condition of the back garden was due to the time of the year and advised that the Landlord intended to replace the lawn with gravel or stones in the Spring. He explained that the railings had been repaired and the whirly dryer is owned by the new tenant who has yet to install.
- vi) Plaster on kitchen walls rising and breaking due to damp.  
The Tribunal found no evidence of breaking plaster due to damp. The Tribunal was satisfied with Mr. Arogbofa's explanation that a small area of damage had been caused after the former tenant vacated the Property.

- vii) Black mould growing behind appliances in kitchen.  
The Tribunal accepted Mr. Arogbofa's explanation that a leak under the sink had been repaired. The Tribunal noted no evidence of mould at the appliances.
- ix) Kitchen floor rising and breaking due to damp.  
The Tribunal found no evidence of damage to the floor or of dampness.
- x) Door handles around house keep snapping due to being old and perished.  
The Tribunal accepted Mr. Arogbofa's explanation that the bathroom door handle had been replaced. The Tribunal noted no evidence of issues with any of the other door handles.
- xi) Children's bedroom window has black mould and damp around sealants.  
The Tribunal accepted Mr. Arogbofa's explanation that the former tenant had sealed the trickle vent at this window. The Tribunal only noted very slight evidence of black mould on the window seal.

11. With reference to the heat and smoke detectors within the Property, the Tribunal on testing these noted that although the smoke detectors were interconnected, the heat alarm in the kitchen was not. At the Hearing, Mr. Arogbofa advised that he had retested this after the Tribunal had left the Property and found it to be connected. He explained that he had not held the switch for long enough at the first test.

12. With reference to the carbon monoxide alarm within the Property, the Tribunal noted that this was not secured to the wall and appeared not to be in the correct position as it is not situated above all door openings, although the design of the doors might cause a difficulty with compliance. Mr. Arogbofa confirmed that this would be attended to.

13. With regard to the history of the Landlord's ownership of the Property, Mr. Arogbofa explained that the Landlord had purchased the Property in May 2024 and had entered into a lease with the former tenant in June 2024.

A Gas Safety inspection had been carried out that time but could not be renewed in June 2025 as the former tenant had not allowed access. The Electrical Installation Condition Report submitted to the Tribunal at the hearing is dated 29 June 2024 shortly after the former tenant moved in. This report states that the installation was deemed to be “Unsatisfactory”. The Electrical Installation Condition Report included with the application is dated 13 February 2025. This second report states that the installation was deemed to be “Satisfactory”. Both inspections and reports were carried out by Marco Equi of EquiGas & Electrical Services. Mr. Arogbofa stated that a new electrical consumer unit had been installed in February 2025 by EquiGas & Electrical Services. He did not have an electrical installation certificate to hand but advised that Tribunal that he would obtain this from the contractor. With reference to an up to date Portable Appliance Test Certificate following the replacement of the appliances, Mr. Arogbofa accepted that this had not been obtained and advised that he would obtain one.

14. The Tribunal referred Mr. Arogbofa to the Scottish Government’s Statutory Guidance on electrical installations and on the definition of a suitably competent person who is skilled and qualified to certify the installations to comply with IET Wiring Regulations (BS 7671) . The Tribunal advised Mr. Arogbofa that Mr. Equi of EquiGas & Electrical Services did not appear to be employed by a company that is a member of an accredited registration scheme operated by a recognised body or a sole trader/self employed individual who is a member of an accredited registration scheme operated by a recognised body namely NICEIC, SELECT and NAPIT, nor was there any other evidence of his skill and competence as outlined in the Statutory Guidance.

15. With regard to the two Electrical Installation Condition Reports mentioned above, the Tribunal advised Mr. Arogbofa that it was concerned at the contents of the report dated 29 June 2024. This report deemed the installation to be “Unsatisfactory”. The Tribunal noted that according to the

date on page 2, the inspection was carried out on the 28 June 2024, after the tenant moved in to the property. Mr Arogbofa said that was incorrect as the inspection was carried out on 24 May 2024 before the tenant moved in and he was verbally informed that the installation was “Unsatisfactory” at that time. The Tribunal also notes that Page 11 of the Report is dated 11 July 2024, with no further explanation and while the observations and recommendations note three C2’s (potentially dangerous items) at 5.1, 5.8 and 5.9 the inspection schedule shows different outcomes including that 5.9 is “acceptable condition”. Furthermore, although, the Report assessed the electrical installation as “Unsatisfactory”, the Tribunal was concerned that only 25% of the fixed wire installation was inspected or tested for an installation which is at least 40 years old. The report by the same electrician following the installation of a new electrical consumer unit and dated 13 February 2025 assesses the installation as “Satisfactory” but the Tribunal is also concerned that only 33% of the fixed wire installation was inspected and tested and 20% of the accessories were visually inspected at that time.

16. Mr. Arogbofa stated that he had understood Mr. Equi and EquiGas & Electrical Services to be properly certified in respect of electrical work and advised that he would investigate this with the contractor.

17. For the sake of completeness, the Tribunal accepted the Gas Safety Record dated 7 September 2025.

### **Findings of Fact**

18. The Tribunal made the following findings in fact:-

- a) The Property is a mid-terraced two storey property constructed by East Kilbride Development Corporation in or around the 1960s or 1970s and located in the Greenhills district of East Kilbride around 2 miles south-west of the town centre;
- b) The Property comprises an entrance hallway, living room, kitchen and cloak room on the ground floor and three bedrooms and shower room

on the upper floor. There is a small ornamental garden at the front of the Property and a larger drying area and garden to the rear;

- c) There is a private residential tenancy of the Property between the Parties;
- d) There is no evidence of any dampness or a significant build up of mould in the Property, including specifically, the kitchen, shower room and airing cupboard;
- e) The back door of the Property appears to be airtight and there is no evidence of water ingress.
- f) The washing machine, dryer and dishwasher all appear to be new, there is no evidence of rust on these appliances, and they appear to be fit for purpose;
- g) There is a missing handle on the oven;
- h) There is damage to the surface of the kitchen worktop situated close to the kitchen door and to the surface of the kitchen worktop which is adjacent to the sink;
- i) The back garden lawn is overgrown and there appear to be drainage issues with a waterlogged area adjacent to the small retaining wall making it unusable for drying clothes and limiting access to the clothes poles;
- j) There is no evidence of breaking plaster due to damp in the kitchen;
- k) There is no evidence of damage to the kitchen floor;
- l) There is no evidence of damage to any of the door handles.
- m) There is no evidence of repair issues or significant mould at the bedroom window:
- n) There appear to be satisfactory fire and smoke detectors;
- o) There is not an adequate carbon monoxide alarm;
- p) There is a satisfactory Gas Safety Record;
- q) There is no satisfactory Electrical Installation Condition Report;
- r) There is no certification for the electrical consumer unit;



- s) There is no Portable Appliance Testing Certificate for the kitchen appliances or any other portable electrical equipment supplied by the landlord.

### **Issues for the Tribunal**

19. In these proceedings, the Tribunal's statutory function in terms of Section 24(1) of the Act is that it must "decide whether the landlord has complied with the duty imposed by section 14(1)(b)" of the Act. Accordingly, the issues to be determined by the Tribunal are whether or not the Property meets the Repairing Standard in respect of Sections 13(1)(a), 13(1)(c), 13(1)(d), 13(1)(h) and 13(1)(j) of the Act at the date of the Inspection.

### **Decision of the Tribunal and reasons for the decision.**

20. In respect of the complaint in terms of Section 13(1)(a) that the Property is not wind and watertight and reasonably fit for human habitation, the Tribunal found no evidence that the Property is not wind and watertight and not reasonably fit for human habitation. Accordingly, the Tribunal found that the Landlord has not failed to comply with the duty imposed by Section 14(1)(a) of the Act.
21. In respect of the complaint in terms of Section 13(1)(c) that the Property the installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order, the Tribunal found that the Landlord has failed to comply as there is no satisfactory Electrical Installation Condition Report and no certification for the electrical consumer unit, the Tribunal found that the Landlord has failed to comply with the duty imposed by Section 14(1)(c) of the Act.
22. In respect of the complaint in terms of Section 13(1)(d) that the Landlord has failed to ensure that any fixtures, fittings and appliances provided by them are in a reasonable state of repair and in proper working order, as there is no Portable Appliance Test Certificate for the kitchen

appliances or any other portable electrical equipment , as the oven door is missing and as the washing poles outdoor drying area cannot be used because of the condition of the rear garden, the Tribunal found that the Landlord has failed to comply with the duty imposed by Section 14 (1) (d) of the Act.

23. In respect of the complaint in terms of Section 13 (1) (h) that the Landlord has failed to ensure that the Property meets the Tolerable Standard, as the Tribunal has found that there is no evidence that the “Satisfactory” Electrical Installation Condition Report dated 13 February 2025 has been prepared by a suitably competent electrician and the extent of inspection and testing was inadequate, no certification for the electrical consumer unit, no Portable Appliance Test Certificate and no adequate carbon monoxide detector, the Tribunal finds that the Property does not meet the Tolerable Standard and so the Landlord has failed to comply with the duty imposed by Section 14 (1) (h) of the Act.

24. In respect of the complaint in terms of Section 13 (1) (j) that the Landlord has failed to ensure that the Property has satisfactory provision for, and safe access to, a food storage area and a food preparation area as there are damaged kitchen worktops the Tribunal cannot be certain that the worktops are safe for the preparation of food and so the Landlord has failed to comply with the duty imposed by Section 14 (1) (j) of the Act.

25. The decision is unanimous.

### **Repairing Standard Enforcement Order**

26. Having determined that the Landlord has failed to comply with the duty imposed by section 14(1)(b), the Tribunal proceeded to make a Repairing Standard Enforcement Order as required by Section 24 (1) of the Act.

Signed

**Karen Moore**

Karen Moore, Chairperson

29 January 2026

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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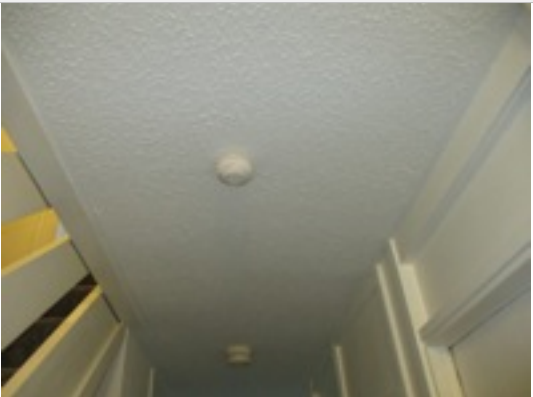


Schedule of photographs taken during the inspection of 92 Carnoustie Crescent, East  
Kilbride G75 8TE by the First-tier Tribunal for Scotland (Housing and Property Chamber)  
on Thursday 15 January 2026

Reference Number : FTS/HPC/RP/25/1995



Front Elevation

	
Upper floor landing - airing/storage cupboard housing boiler	Upper floor landing - airing/storage cupboard floor/carpet
	
Bathroom	Bathroom - shower base/screen/curtain and tiling
	
Bathroom - window sill	Bathroom - extractor fan
	
Bathroom - some build up of condensation spotting on ceiling	Bathroom - some build up of condensation spotting on ceiling

	
Bathroom - new door handle	Rear Bedroom - window
	
Rear Bedroom - window - residue from tape removed from around trickle vent	Rear Bedroom - very slight build up of black spot mould at window seal
	
Upper floor landing - ceiling mounted smoke detector (obsolete detector remains in situ)	Ground floor Hall - ceiling mounted smoke detector (obsolete detector remains in situ)
	
Living Room - ceiling mounted smoke detector	Kitchen - ceiling mounted heat detector





Kitchen



Kitchen



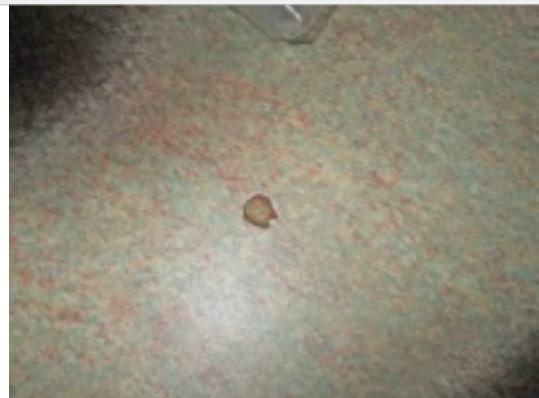
Kitchen - pipework under sink renewed



Kitchen - floor



Kitchen - missing handle to lower oven



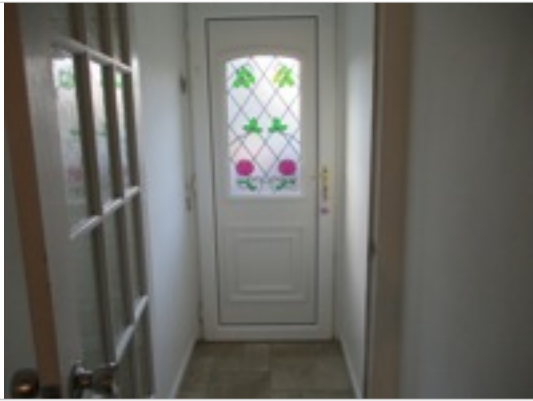
Kitchen - damage to worktop surface at base units opposite sink



Kitchen - damage to worktop surface adjoining sink



Ground Floor Hall - electric cupboard with consumer unit



Back Door - internal view



Back Door - external view



Back Garden



Back Garden - area of grass waterlogged adjoining retaining wall



Upper floor landing - carbon monoxide detector - loosely mounted on wall adjacent to cupboard housing boiler



Upper floor landing - carbon monoxide detector - installation date 8/9/25 on rear cover