



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 24(1) of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RT/25/1759

Re: Property at Flat 2/1, 11 Prospecthill Place, Glasgow G42 OJP (registered under title number GLA111857) (“Property”)

The Parties:

Glasgow City Council, Private Sector Housing, 231 George Street, Glasgow G1 1RX (“Third Party”)

Colina McAffer, Flat 2/1, 11 Prospecthill Place, Glasgow G42 OJP (“Tenant”)

Catherine Lawson, Couplaw, Strathaven, South Lanarkshire ML10 6RW (“Landlord”)

Craig Hepburn, C&J Hepburn Properties (Scotland) Ltd, 4 Carlestone Street, Unit 2/1, Glasgow G21 1TA (“Landlord’s Representative”)

Tribunal Members :

Joan Devine (Legal Member); Kingsley Bruce (Ordinary Surveyor Member)

DECISION

The Tribunal determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property in respect that the Property does not meet the Repairing Standard in respect of Section 13(1)(k) of the Act. The Tribunal therefore issues a repairing standard enforcement order. The Tribunal's decision is unanimous.

Background

1. By application dated 24 April 2025, the Third Party applied to the Tribunal for a determination that the Landlord had failed to comply with their duties under Section 14(1) of the Act.
2. In the application, the Third Party stated that they believed that the Landlord had failed to comply with their duty to ensure that the property met the repairing standard as set out in Sections 13(1) (a),(c), (d), (h), and (k) of the Act. The Application stated that the Landlord had failed to ensure that:

- The Property is wind and watertight and in all other respects reasonably fit for human habitation.
 - The installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order
 - Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
 - The Property has an interlinked system of fire and smoke alarms and adequate carbon monoxide alarms.
 - The electricity supply in the Property complies with the relevant requirements in relation to the electrical installations for the purposes of that supply.
 - The Property has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitable located within the house.
 - The common doors in the tenement are secure and fitted with satisfactory emergency exit locks.
3. The Third Party made the following complaints in the application and in the notification communications to the Landlord :
1. Secure entry system broken
 2. Lack of smoke and heat detection
 3. No fixed heating system
 4. Living room window not wind and watertight
 5. Unable to lock balcony door
 6. Gap / panel missing above bedroom door
 7. Drainage problem in bathroom sink
 8. Tap on bath broken and does not allow for water temperature to be regulated
 9. Kitchen has no door
 10. Hob in kitchen broken
4. The Application was referred to the Tribunal and an inspection and Hearing were fixed for 17 November 2025. On 10 October 2025 the Landlord lodged a written representation. On 16 October 2025 the Third Party provided an update and advised that items 4, 5, 6, 9 had been rectified. On 11 November 2025 the Third Party advised the Tribunal that all issues had been rectified aside from issue 1, secure entry system. The inspection and hearing fixed for 17 November 2025 were postponed to 11 February 2026 to allow the works to be completed.

The Inspection

5. The Tribunal inspected the Property on the morning of 11 February 2026. The weather conditions at the time of the inspection were wet and overcast. The Tenant was present at the Property during the inspection. The Property is a second floor flat with 2 bedrooms, living room, bathroom and kitchen.

The Hearing

6. The Hearing took place on 11 February 2026 by conference call. The Tenant was in attendance. Neither the Landlord or the Landlord's Representative was in attendance. The Tribunal noted that at the inspection all issues identified in the application had been rectified aside from the security entry system. At the inspection the Tribunal noted that the security entry system was not functioning. It was necessary for the Tribunal to telephone the Tenant and for her to leave the Property and manually open the common door to allow the Tribunal to gain access to the Property.
7. The Tenant told the Tribunal that she had received notification that works are to commence at the building of which the Property forms part on 9 March 2026 and that the works will include replacement of the common door and security entry system. She said that she had written a written communication and had also spoken with a housing officer at Sanctuary Housing, who own the flats in the block aside from the Property, who had confirmed the nature of the planned works.

The Evidence

7. The evidence before the Tribunal consisted of:
 - 7.1 The Application completed by the Tenant's Representative
 - 7.2 The tenancy agreement between the Tenant and the Landlord
 - 7.3 Land Register report relating to the Property
 - 7.4 Notifications to the Landlord regarding repairs required to the Property
 - 7.5 The Tribunal's inspection of the Property
 - 7.6 The oral representations of the Tenant

Summary of the Issues

8. The issue to be determined was whether the Property meets the repairing standard as set out in Section 13 of the Act and whether the Landlord had complied with the duty imposed on them by Section 14(1)(b).

Findings in Fact

9. Tribunal made the following findings in fact:
 - 9.1 The Tenant has lived in the Property since July 2021.
 - 9.2 The Property is in a tenement.
 - 9.3 The tenancy is a tenancy of a house let for human habitation, which does not fall within the exceptions set out in Section 12(1) of the Act. The provisions set out in Chapter 4 of the Act therefore apply.

9.4 The Tribunal in its inspection carefully checked the items which were the subject of the application. Inside the Property the Tribunal observed the following:

9.4.1 The security entry system which forms part of the common door in the tenement is not in proper working order.

Reasons for Decision

10. Following its inspection and the hearing, the Tribunal determined that the Property does not meet the repairing standard as required by Section 13(1)(k) of the Act.
11. The Property is in a tenement where the common door and security entry system are not in proper working order.

Decision

12. The Tribunal determined that the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Act, and in particular that the Landlord has failed to ensure that the Property meets the repairing standard in respect of Section 13(1) (k)of the Act.
13. The Tribunal therefore makes a repairing standard enforcement order as required by Section 24(2) of the Act.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

J Devine

Legal Member, 18 February 2026