

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

Case reference FTS/HPC/RP/25/2940

Parties

Ms Audrey Paton (Applicant)

Mr Daniel Collinge (Respondent)

21 Whitehills, Erskine, Renfrewshire, PA8 6DZ (House)

Land Register Title number REN89336

Tribunal members

James Bauld (Legal Member) and Nick Allan (Ordinary Member)

Background

1. By application dated 23 June 2025, the applicant as tenant of the property made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that she believed that the respondent who is the landlord was failing to comply with the duty imposed on him by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as “the 2006 Act”). The applicant complained that the property did not meet the repairing standard set out in the 2006 Act.
2. In the application, the tenant had raised a number of issues. She complained that work was required to repair a leak from the upstairs bathroom, that work was required to repair damage to the ceiling in the downstairs toilet caused by that leak and that flooring damaged by water required to be replaced. She also indicated that the installations for water, heating and sanitation were not

any reasonable state of repair,

3. On 11 August 2025 the tribunal determined that the application could be referred to the tribunal for determination.
4. An inspection and hearing were subsequently arranged to take place on 5 June 2026 and appropriate intimation of the time and date was sent to all parties.

The inspection

5. The tribunal members attended at the property on 5 June 2026. at 10.00 a.m. to carry out an inspection. The tenant, Ms Paton was present. The landlord was not present.
6. The tribunal carried out an inspection of the property. A report of what was observed at the inspection (including a schedule of photographs) prepared by the ordinary member of the tribunal is attached to this decision.

The hearing

7. The hearing took place on 5 June 2026 at 12 noon at Glasgow Tribunals Centre.
8. At the Hearing neither the tenant nor the landlord was present.
9. In its inspection and as set out in the summary report attached to this decision, the tribunal ascertained that there were four remaining outstanding issues, namely that
 - the WC in the upstairs bathroom was not working
 - there was a leak from the wash hand basin in the downstairs toilet,
 - there was an area of damaged plaster on the ceiling of the downstairs toilet
 - the laminate flooring in the kitchen had two gaps where pieces were missing.
10. These items had been pointed out by the applicant to the tribunal during the inspection.

Observations and findings in fact

11. The property comprises a mid-terraced property within a two-storey block.

Originally built on behalf of the local authority, the property is approximately 60 years old and is now in private ownership.

12. The outer walls are of traditional construction and the walls are clad externally. The roof is pitched with concrete tiles. The accommodation comprises living room and kitchen and toilet on the ground floor and , two bedrooms and bathroom on the upper floor.
13. The property is occupied under and in terms of a private residential tenancy governed by the Private Housing (Tenancies) (Scotland) Act 2016
14. The applicant is the tenant and the respondent is the landlord in terms of that tenancy.
15. The property requires to comply with the repairing standard as set out in the Housing (Scotland) Act 2006 as amended
16. The WC in the upstairs bathroom is not functioning. It is not in a reasonable state of repair and is not in proper working order.
17. The wash hand basin in the downstairs toilet has a leak which is causing the floor beneath to be damp. It is not in a reasonable state of repair and is not in proper working order.
18. The ceiling in the downstairs bathroom has an area of damaged plaster caused by a previous leak from the bathroom upstairs.
19. The laminate flooring in the kitchen has two gaps, each approximately six inches square, which is a trip hazard.

Discussion and reasons for decision.

20. The tribunal carefully considered the evidence which had been obtained at the inspection and the information contained in the tribunal papers
21. The tribunal has concluded that this property does not currently meet the repairing standard set out in the legislation. It requires a number of works to bring it up to standard. The Landlord has failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006.
22. The tribunal accordingly proposes to make a repairing standard enforcement order requiring the landlord to undertake a number of works.

23. The required works will be as follows

- Repair (or replace) the WC in the upstairs bathroom to ensure that it is in a reasonable state of repair and in proper working order.
- Repair (or replace) the wash hand basin in the downstairs toilet to ensure that it is in a reasonable state of repair and in proper working order and carry out any necessary ancillary work to replace damp flooring in that area.
- Repair (or replace) the laminate flooring in the kitchen to ensure that it is in a reasonable state of repair
- Repair and redecorate the damaged ceiling within the downstairs toilet

24. The appropriate repairing standard enforcement order is attached to this decision.

25. The decision of the tribunal is unanimous.

J Bauld

Signed

Date 2 July 2026