Housing and Property Chamber
First-tier Tribunal for Scotland

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

STATEMENT OF DECISION: Housing (Scotland) Act 2006, section 24(1)

Reference number: FTS/HPC/RP/26/0401

Title number: LAN144057

Re: Property at 164 Jerviston Street, Motherwell, New Stevenston, ML1 4HT ("the House")

The Parties:

Mrs Wendy Campbell or McGlinchey, C/O Hemmings homes, 376 Brandon Street, Motherwell, North Lanarkshire, ML1 1XA ("the Landlord")

Mr Stephen McGlinchey, C/O Hemmings homes, 376 Brandon Street, Motherwell, North Lanarkshire, ML1 1XA ("the Landlord's Representative")

Tribunal Members:

Susan Christie (Legal Member)

Sara Hesp (Ordinary/Surveyor Member).

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the House, and taking account of all of the available evidence, determined that the Landlord has complied with the duty imposed by Section 14(1) (b) of the Act.

Background

1. By Application accepted by the tribunal on 18 May 2026, the former tenant's representative applied to the tribunal under section 22(1) of the Housing (Scotland) Act 2006 for a determination of whether the Landlord had failed to comply with the duty imposed by section 14 (1)(b) of the Housing (Scotland) Act 2006 ('the Act').
2. The Application specifically stated that the former tenant considered that the Landlord had failed to comply with the duty to ensure that the House meets the repairing standard and thought the House did not meet the repairing standard set out in Section 13(1) sub sections (a), (d) and (h)

of the Act. The complaints made were that there was dampness and mould growth in the bedroom and bathroom; there were holes where the shower unit had been replaced and the end cap for the shower was missing; the bathroom window frame was covered in mould and the seals rotting; there was a hole in the plaster allowing water ingress at the corner of the bedroom window leaving the area damp and bare plaster work left on the window seals that have started to rot; and there were similar problems had occurred in the lower bedroom of the House.

3. Following on from the tribunal receiving intimation and confirmation that the former tenant had left the House, and the tenancy had been terminated, under Schedule 2 Paragraph 7 (1) of the 2006 Act, the tenant is to be treated as having withdrawn the application. The Tribunal thereafter decided to continue to determine the application under Schedule 2 paragraph 7(3) of the 2006 Act.
4. An Inspection of the House was assigned for 7 October 2026 at 10 a.m.

The Inspection

5. On the morning of 7 October 2026 at 10a.m, the Tribunal attended at the Property. The Tribunal inspected the House in the presence of the Landlord's Representative. The weather conditions at the time of the Inspection were dry and bright. Photographs were taken during the Inspection, and those are attached to this Decision as a Schedule of photographs.
6. The House is an upper duplex flat with two bedrooms.
7. The House was unoccupied and unfurnished at inspection.
8. The findings of the inspection were that:
    a) The was no dampness or mould growth in the bathroom. The area around the window was inspected. There was no evidence of raised damp readings around the window complained of.
    b) The shower was inspected. There was no evidence of any matters to which the repairing standard would apply. There were small openings apparent where rawl plugs were and a cover disc was missing but these were cosmetic items and did not warrant a breach of the repairing standard.
    c) In the two bedrooms around the window areas there was no evidence of dampness. Damp meter readings taken were all within normal range.
    d) Plasterwork had been completed and paint finishes applied in the rooms complained of.
    e) There was no evidence of window seals rotting.
9. The tribunal made two observations in relation to matters not part of this application namely: the side window in the lower bedroom is not closing and it is therefore neither wind or watertight, and the lounge smoke alarm is wall mounted when it should be ceiling mounted. Those matters could be attended to by the current Landlord or any successor.

The Hearing- 7 October 2026 at 11.45 a.m.

10. The Hearing took place in person at Hamilton Brandon Gate, Brandon Gate, Ground Floor, Bock C, Leechlea Road, Hamilton, ML3 6AU.
11. The Landlord's Representative participated.
12. The detail of this application were discussed.
13. The Tribunal's preliminary findings of the visual Inspection were relayed to the Landlord's Representative as detailed above.

Findings in fact

The Tribunal finds the following facts to be established:

I. The Landlord is the registered owner and Landlord of the House.
II. The tenancy between the Landlord and the former tenant is a tenancy to which the repairing standard applies.
III. Repairs had been carried out in the House prior to the inspection by the Tribunal.
IV. The Landlord has complied with the duty imposed by Section 14(1) (b) of the Act.

Reasons for Decision

It is undisputed that prior to inspection by the tribunal, works had been carried out in the House around the bedroom and bathroom windows.
By the time of inspection, the matters complained of in the application (in the paper apart) had been attended to and resolved.
There were no signs of any damp mould or rotting seals. The damp meter readings indicated normal levels of moisture around the bathroom and upper bedroom window The surfaces had been treated and finished.
The tribunal made two observations as in number 9 above.
The smoke detectors in the House are interlinked along with a kitchen heat detector and were tested and working.
The Landlord has therefore complied with the duty imposed by section 14 (1) (b) of the Act and has ensured that the House meets the repairing standard under sections 13(1) (a), (d) and (h) of the Act in respect of the matters complained of in the Application as at the date of this Decision. It is based on the findings of the visual inspection.
The decision of the Tribunal is unanimous.

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.

In terms of Section 63 of the Act, 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.

S Christie

Signed:

Legal Member,
7 October 2026

Housing and Property Chamber
First-tier Tribunal for Scotland

164 Jerviston Street, New Stevenston, Motherwell ML1 4HT

FTS/HPC/RP/26/0401

Schedule of photographs

All photographs were taken on 7 October 2026.



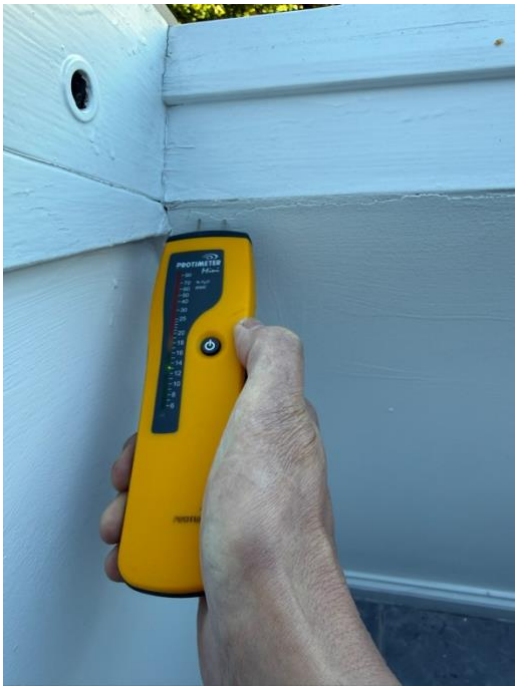
Photograph 1: Entrance elevation



Photograph 2: General view of bathroom



Photograph 3: Bathroom window



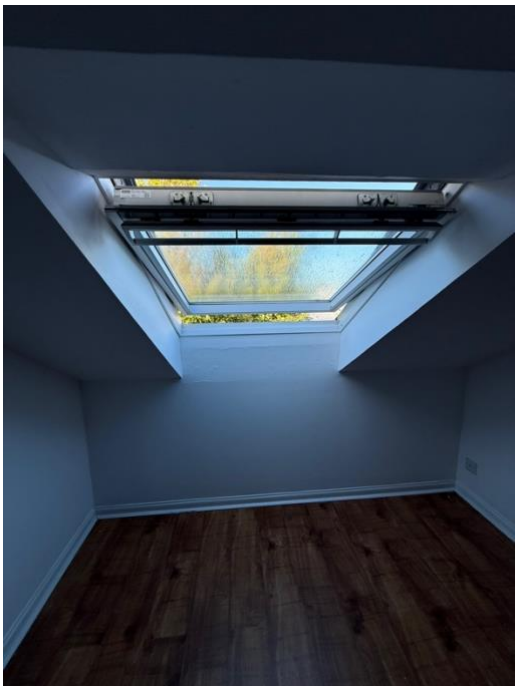
Photograph 4: Bathroom: Damp meter indicates normal levels of moisture around bathroom window



Photograph 5: Bathroom: Shower



Photograph 6: Bedroom 1 (upper): General view



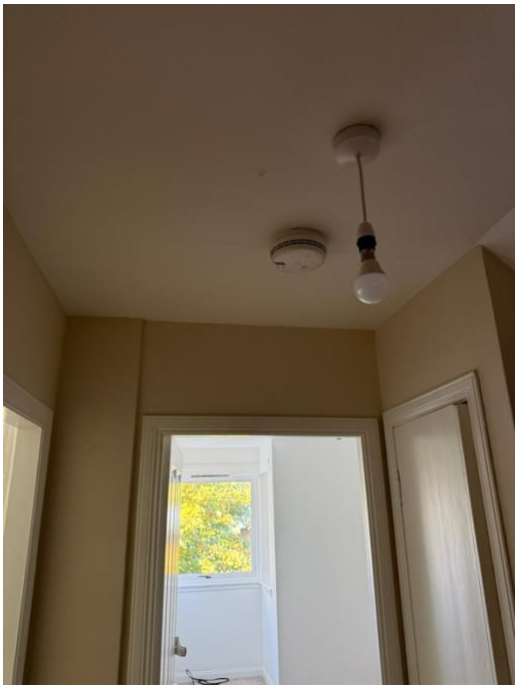
Photograph 7: Bedroom 1 (upper): Window



Photograph 8: Bedroom (upper): Damp meter indicates normal levels of moisture around bedroom (upper) window



Photograph 9: Landing: Smoke detector – tested; working; interlinked



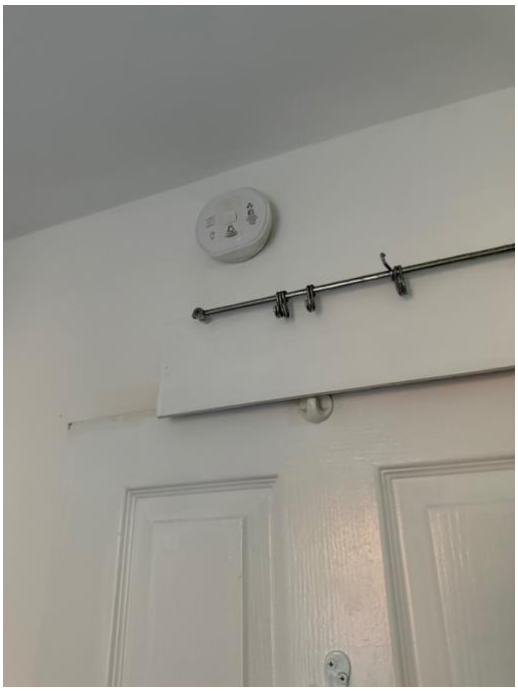
Photograph 10: Hallway: Smoke detector – tested; working; interlinked



Photograph 11: Lounge: Smoke detector – tested; working; interlinked



Photograph 12: Kitchen: Heat detector – tested; working; interlinked



Photograph 13: Kitchen: Carbon monoxide detector



Photograph 14: Bedroom (lower): Windows



Photograph 15: Bedroom (lower): Side window (not closing)



Photograph 16: Rear elevation