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)

Chamber Ref: FTS/HPC/RP/26/0010

Title Number: REN 126781

4 Stirrat Crescent, 1/1, Paisley, PA3 1RA ("the Property")

Parties:

Shoaib Siddiq, 4 Stirrat Crescent, 1/1, Paisley, PA3 1RA ("the Tenant")

Ark Properties Ltd, Unit 3, 21 Underwood Road, Paisley, PA23 1TQ ("the Landlord")

Tribunal Members:

Josephine Bonnar (Legal Member) and Andrew McFarlane (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") having made such enquiries as it saw fit for the purposes 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 property, determined that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act.

Background

1. By application dated 4 January 2026, the Tenant applied to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006. He stated that the Landlord has failed to meet their obligations in terms of the Act by failing to ensure that the property meets the Repairing Standard. In particular, the ventilation system in the property is not working. As a result, the property becomes very stuffy. Although the vents in the house have been blocked off, except the one in the bathroom, the system is still not working. The Tenant lodged a copy of his tenancy agreement and correspondence with the Landlord's agent with the application.

2. A copy of the application was served on the Landlord, and both parties were notified were notified that the Tribunal would inspect the property on 22 September 2026 at 10am and that a hearing would take place at Glasgow Tribunals Centre, York Street, Glasgow at 11.30 am on the same date.

3. On 31 August 2026, the Tenant lodged a brief submission and confirmed that he would attend the hearing. The submission stated that he had moved into the property in October 2023. Over the next six months there were issues with the vents and build up of mould. He reported the matter to the letting agent who arranged for the bathroom to be re-painted in August 2025, to address the mould. In September 2025 repairs were carried out to the vents. However, the system is only working to 5% capacity. The Tenant added that he took advice and contacted the Council who arranged to inspect. The health inspector came and said that the property was not in a liveable condition due to the issues with the ventilation system.

4. On 1 September 2026, the Landlord's agent lodged submissions. They confirmed that they would represent the landlord at the hearing. The agent stated that they have managed the property for 17 years, although it has only been owned by the current owner since 2022. They also advised that the property was constructed in 1997 and that all the flats in the block have an integrated "Multi room ventilation system". This uses a single central unit connected via ductwork to continuously extract stale, humid air from multiple rooms. Every room has a vent grille in the ceiling connected to a duct which in turn is connected to a fan unit that draws air from each room and then vents out via a central duct serving this and other adjacent properties. The agent confirmed that there is no conventional extractor fan in the bathroom. The system is designed to be used continuously. The agent provided a timeline of action taken. They stated that marks on the ceiling and walls in the bathroom were noted during a routine inspection in August 2024. The extraction in the bathroom seemed weak. Advice was given to the tenant about cleaning the affected area and the agent said they would investigate the ventilation. A contractor was instructed and he attended and repaired some loose ducting. In October 2024, a further inspection took place. The ventilation system was working, and the tenant was advised that it should be running constantly and that the grout and tiles needed to be cleaned regularly. Following a further inspection in February 2025, a contractor was instructed to paint and treat the walls. An electrician was also instructed. He reported that the ventilation system was not working well. He said he would need a full day to strip out and assess the issue as there could be a number of causes. Quotations were obtained for the Landlord, and the contractor was instructed to open up and clean out the system. This turned out to be a difficult job. The ducting was found to be unusual – not round tubing but flat, custom-made ducting to accommodate the restricted space between the ceiling and floor. The layout was also complicated. The system was cleaned out and repaired by 6 June 2025. The Tenant was still not happy and at a further inspection in August 2025, said that he had reported the matter to the Council. The agent noted that the ventilation system was off at the time of the inspection and the Tenant said that it is only switched on before the shower is used. The Council's Environmental Health Officer (EHO) attended on 7 August and issued a letter stating that the property did not meet the tolerable

standard. On receipt of a copy of the letter, the agent contacted the EHO and agreed a course of action. The ducting from the rooms in the property would be disconnected, except for the kitchen and bathroom. The suction points would be closed off. The other rooms had windows and therefore did not rely on the system for ventilation. The system would then only be extracting from 2 rooms, and the length of the ducting would be reduced by 75%. This work was completed on 24 August 2025. The agent inspected a few days later. The ventilation in the bathroom was markedly better. However, the system was not on when the agent arrived, and the grout had not been cleaned. The agent contacted the EHO who confirmed that he would close his case. The agent lodged copies of inspection reports and a letter from the EHO dated 8 August 2025 to the Tenant which states that the property does not meet the Tolerable Standard. The agent also provided email correspondence with the EHO who confirmed on 28 August 2026, that the case would be closed.

5. Prior to the inspection and hearing the Tribunal was notified that the Tenant would be represented by Mr Baillie from the CAB.

6. The Tribunal attended at the property on 22 August 2026. The Tenant and his wife Zahraa Yaquib provided access. The Respondent was represented by Mr Quaradeghini of Martin and Co and Ms Turnbull. The Tenant's representative Mr Baillie was present with a colleague Ms Martin. The hearing took place at 11.30am on the same day. The Tenant, his wife, his representative, Mr Baillie, Ms Martin and the Landlord's representatives Mr Quaradeghini and Ms Turnbull all attended.

The inspection

7. The property is a relatively modern flat in complex comprising a terrace around a courtyard with landscaping and off-street parking. The property is located in a block at one end of the terrace. The property is accessed by common stair with entrances from both front and rear elevations. There are flats located at ground and two upper levels with additional accommodation within the roof void above the top floor flats. The property comprises an entrance hallway giving access to a living room, 2 bedrooms, kitchen and bathroom.

8. The Tribunal noted the presence of extract vents in all the rooms in the property. In the bathroom, it was noted that the grout between the tiles and the seal round the bath are discoloured. The ventilation system was on at the time of the inspection, and a piece of toilet paper was being held in place by the air being drawn through the extract vent in the bathroom. Within a hall cupboard the Tribunal noted extract vents and ducting. Some of the inlets are blocked off and some ducts disconnected.

9. A schedule of photographs taken at the inspection is attached to this decision.

The Hearing

10. At the start of the hearing the Ordinary Member summarised the Tribunal's observations from the inspection. It was noted that the ventilation system was on and had been running (according to the Tenant) for about ten minutes before the start of the inspection. The Tribunal noted that the grout and tiles in the bathroom are discoloured. There was a piece of toilet paper over the extractor vent being held there by the vent which showed that it was extracting. When it was peeled back and released it sprang back over the vent. The Tribunal carried out a visual inspection of the ventilation system central plant. They noted a large fan and ducts. The system is not the conventional type of extraction and draws out air on a constant basis. The extractor vents servicing the other rooms, except the kitchen, have been disconnected. The Tribunal noted that there were trickle vents on all windows and that these were open at the time of the inspection.

11. Mr Siddiq told the Tribunal that the extractor fan is put on for an hour before the shower is used and a few hours afterwards. The bathroom still gets steamed up and damp. He said that they do turn it off at night. It would cost too much to use it all the time and it is noisy. He said that the other rooms get stuffy as well and they have to open the windows, even in the winter. In response to questions from the Tribunal, the Applicant said that he and his wife have lived in the property since October 2023. There was no mould in the bathroom when they moved in. They have noted that the electricity bills can be £70 or £80 higher when they use the ventilation system all of the time.

12. The Landlord's representatives said that they accepted that there had been mould on the ceiling, but this has been addressed. They said that the tenants should have been given information about how the ventilation system works at the start of the tenancy as part of the check in process but don't know if it happened in this case. The Applicants are the sixth tenants to occupy the property, and the agents have managed the property for seventeen and a half years. None of the previous tenants have complained about the effectiveness of the ventilation system although one tenant complained about the noise from the system. The Tribunal was advised that it is accepted that the system was not working properly in August 2024. This resulted in a build up of mould. This was all cleaned after the work and there was no mould after that. The Tenants have been told that the build up on the grout is just due to showering products and can be cleaned off.

13. In response to questions from the Tribunal, the Landlord representatives said that they did not get any certification of the work after it was carried out but the contractor reported back as to what he had done. He had cleaned out all the filters and disconnected the other rooms to improve the flow of air. It was conceded that it is an unusual system, and the representatives could not explain why it had been installed. It is not accepted that the system may have reached the end of its natural life. It has been repaired and is working, although it is accepted that it can be noisy.

14. Mr Bailie told the Tribunal that although Environmental Services appear to have agreed with the Landlord's solution to the complaint and closed the case, they did not re-inspect. He said that it is not fair that the Tenants are expected to incur such high utility bills. Mr Quaradeghini disputed that this is a concern and said that the system is designed to run continuously and slowly and efficiently. Mr Siddiq said that the ventilation is only 5% effective and that a new system is required. Alternatively, conventional extractor fans should be installed. Mr Quaradeghini said that the system is working but is not being used properly. He does not believe that a new system which operates in the same way would make any difference in the circumstances. They were advised by the contractor that conventional extractor fans would not be feasible as they have to vent to the outside. The location of the flat means that is not possible.

15. Mr Siddiq said that they have tried cleaning the mould, but it does not come off. It has not affected the ceiling since anti mould paint was applied. Mr Quaradeghini said that when they went to inspect, the bathroom was like a sauna and the ventilation was off.

Findings in Fact

16. Ventilation in the property is provided by an integrated multi room ventilation system which uses a single central unit connected via ductwork to extract air.

17. The system is designed to be used continuously 24 hours a day.

18. In 2024 and 2025 the Landlord arranged for a contractor to carry out repairs to the ventilation system. The contractor stripped out the system and assessed its condition. He then cleaned out and repaired any defects and disconnected the vents in the living room and bedrooms from the system.

19. The work carried out by the contractor addressed the defects and made the system more efficient.

20. The ventilation system now only serves the bathroom and kitchen. The other rooms in the property have windows that open and which are fitted with trickle vents.

21. The ventilation system is in working order.

22. The Tenant does not use the system continuously and only switches it on for a few hours each day.

23. There is a build-up on mould on the grout and bath seal in the bathroom due to the lack of adequate ventilation. This is due to the system being switched of for long periods of time each day and at night.

Reasons for Decision

24. Section 14(1) of the 2006 Act states "The landlord in a tenancy must ensure that the house meets the repairing standard – (a) at the start of the tenancy, and (b) at all times during the tenancy." In terms of Section 14(3) of the 2006 Act "The duty imposed by subsection (1)(b) applies only where – (a) the tenant notifies the landlord, or (b) the landlord otherwise becomes aware, that work requires to be carried out for the purposes of complying with it". Section 22(3) of the 2006 Act states that an application can only be made if the person making the application has notified the landlord that work requires to be carried out for the purpose of complying with the repairing standard. The Tribunal is satisfied that the Tenant notified the Landlord of his complaints prior to lodging the application.

25. The Tribunal noted that the Tenant does not dispute the Landlord's claim that the ventilation system is designed to be on 24 hours a day. No evidence was provided that this is not the case and the Tribunal is satisfied that the system is supposed to operate in this way. The Tenant's argument is that the system, despite being repaired, is still not working and that it cannot be used continuously due to the cost. The Tribunal notes the following: -

(a) The Tenant is not using the system properly. He only puts the ventilation system on before the shower is used and leaves it on for a few hours afterwards.

(b) The bathroom was not affected by mould until the Tenant started to occupy it. The evidence established that the bathroom mould was previously due (in part) to defects in the system. However, the current issues with mould are likely to be due to lack of ventilation which is due to the system being switched off most of the time.

(c) There is no evidence that the system is not currently working. During the inspection it was noted that the vent is the bathroom is extracting air.

(d) The Tenant provided no evidence that utility bills would be excessive if the system was in continuous use. He stated that he had noticed higher bills but copies of these were not provided. The Tribunal is of the view that substantially higher bills are unlikely given the nature of the system. In any event, higher bills alone would not necessarily lead to a conclusion that the property does not meet the repairing standard. The higher bills would have to be the result of a defective, inefficient system and that has not been established.

(e) The other rooms in the house have windows. The Tenant said that, as these have now been disconnected from the system, he has to open windows even in the winter. The Tribunal notes that it is not usual for bedrooms and living rooms to have extractor fans or vents and that trickle vents and windows that open are usually how these rooms are ventilated.

26. Based on the available evidence the Tribunal is not persuaded that the ventilation system at the property is defective.

27. The Tribunal concludes that the Landlord has not failed to comply with the Repairing Standard as set out in Section 13(1)(a), (b), (e), (h), (i), (j) and (k) of the 2006 Act.

Decision

28. The Tribunal determined that the Landlord has not failed to comply with the duty imposed by Section 14(1)(b) of the Act.

29. The decision of the Tribunal is unanimous.

Right of Appeal

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.

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Josephine Bonnar, Legal Member **24 October 2026**

Housing and Property Chamber
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Property Address	Flat 1/1 4 Stirrat Crescent Paisley PA3 1RA
Case Reference	FTS HPC RP 26 0010



Schedule of Photographs taken during the inspection by tribunal members on 22 September 2026



1. General view of Bath and shower



2. View of upper walls and ceiling in corner opposite bath and shower



3. Shower wall



4. Tiling to side of shower



5. Tiling towards end of bath opposite shower



6. Extract vent from Bathroom



7. Fixed heating provided within bathroom



8. Extract vent fan and ducting



9. Blocked off inlets and disconnected ducts



10. Disconnected duct



11. Extract vent in Kitchen



12. Extract vent in Lounge



13. Extract vent in Bedroom 1



14. Extract vent in Bedroom 2