

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/21/0462

Title No: GLA92207

Flat 1/1 16A Craigpark, Dennistoun, Glasgow, G31 2LZ (“the property”)

The Parties:-

**Mr Christopher Eastwood, Flat 1/1, 16A Craigpark, Dennistoun, Glasgow
G31 2LZ
 (“the Tenant”)**

**Ms Zahida Iqbal, 199/201 Maryhill Road, Glasgow G20 7XJ
 (“the Landlord”)**

Tribunal Members:

Richard Mill (Legal Member) and Nick Allan (Ordinary Member)

Decision

The Property does meet the Repairing Standard. The Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006. A Repairing Standard Enforcement Order is not necessary.

Background

1. The Tenant lodged an application, dated 26 December 2020 with the Tribunal complaining that the Property did not meet the repairing standard. The application form referred to issues in terms of section

13(a) of the Act only. Accordingly the area put at issue in the application was:-

- Whether the house is wind and watertight and in all other respects reasonably fit for human habitation.

More generally in support of the application, it was stated:

- Front door insecure, internal doors do not close, bathroom mould and window leaking, living room window not airtight, kitchen window not airtight, draft behind washing machine, lack of insulation in roof and condition internally.

2. Notices of Referral, Inspection and Hearing were issued to parties on 29 April 2021.
3. The Tribunal was subsequently advised that the tenant had vacated the property. The Landlord advised that two tenants had occupied the property, the applicant Mr Christopher Eastwood, and Mr Ralph Wiseman. The Tribunal was informed that they had left on 1 March 2021 and 6 February 2021 respectively.
4. In the interests of public safety the Tribunal thereafter determined to continue consideration of the application under Schedule 2 Paragraph 7(3) of the Act. A Minute of Continuation dated 25 May 2021 was issued accordingly.
5. A Case Management Discussion (CMD) took place by teleconference on 9 June 2021 at 10.00 am. Mr Mohammed Iqbal, the landlords husband, was the only participant. He explained that the tenant who had made the application was a difficult individual. He had failed to maintain the property and had caused problems which were of concern to the safety of others. Mr Iqbal accepted however that the role of the Tribunal was to investigate the complaints before it. He confirmed his willingness to allow access to the Tribunal for the purposes of an inspection.
6. The Tribunal determined at the CMD that in order to determine the application fairly, and to protect all members of the public, that an inspection was required.

Inspection

7. The Tribunal inspected the property on 6 August 2021 at 11.30 am. A covid-19 secure risk assessment was undertaken and relevant

precautions were followed. The landlord's husband Mr Iqbal was present at the property to show the tribunal members around.

8. An inspection report and photograph schedule dated 6 August 2021, prepared by the Ordinary member, was intimated to the landlord on or about 10 August 2021.

Hearing

9. The Tribunal convened a hearing by teleconference on 25 August 2021 at 10.00 am. The only participant was Mr Mohammed Iqbal.

Summary of Issues

10. The issues to be determined by the Tribunal were whether or not the property meets the repairing standard to the extent put at issue within the application, as at the date of the hearing.
11. The Tenant raised a number of complaints as previously referenced.

Findings in Fact

12. The Title to the property previously occupied by the Tenant is held by the Landlord whose interest is registered in the Land Register, Title number GLA92207 on 6 December 2013.
13. The property which is the subject of this application is an upper 2 bedroomed flat which forms part of a detached stone built villa.
14. The parties entered into a private residential tenancy which commenced on 1 August 2019. The tenancy has now ended. The property was managed by A & S Properties.
15. Reference is made to the schedule of photographs taken at the time of the Tribunal's inspection which are referred to for their terms and held to be incorporated herein.
16. The Tribunal's inspection revealed that the front door to the property was fully functioning. All internal doors were fully functioning. The bathroom window was found to be functioning with no mould found in the bathroom. The living room and kitchen windows were found to be

fully functioning. There is no washing machine present in the property. No access to the loft area was undertaken due to the risks assessed with undertaking such exploration. It was noted that the property had recently been decorated and that a sale process was underway.

17. Though not raised in the application by the former tenant the Tribunal diligently investigated the provision for fire and carbon monoxide detection. It was noted that there are smoke alarms in the hall and living room, together with a heat sensor in the kitchen. These however are not interlinked as required in terms of Scottish Government Guidelines. It was noted that a carbon monoxide alarm is situated adjacent to the gas boiler in the box room to the rear of the property.

Reasons for Decision

18. The Tribunal determined the application having regard to the bundle of papers which were made available, together with their observations at the inspection and the representations made to the Tribunal by Mr Iqbal.
19. The Tribunal was only able to consider the complaints which formed part of the intimated application and had an obligation to consider the complaints as at the date of the hearing on 25 August 2021. The Tribunal was satisfied that there was no alteration to the condition of the property since the inspection on 6 August 2021.
20. The Tribunal, having regard to all of the available evidence, was satisfied that there was sufficient information and material upon which to reach a fair determination of the application.
21. The former tenant's complaints do not have merit. The issues which he raised have been investigated. There is not a breach of the Repairing Standard. Accordingly no Repairing Standard Enforcement Order is necessary. In the event of being re-let the provision for fire detection must be enhanced to meet the relevant statutory guidance.

Right of Appeal

22. In terms of Section 46 of the Tribunals (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.

23. 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 26 August 2021 before this witness:-

R Mill

C McNaught Legal Member

Witness

C. McNaught Name

69-71 Dalry Road Address

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