



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

Reference number: FTS/HPC/RT/21/2897

Re: Property at Flat 4/2, 4 Haggs Gate, Glasgow G41 4BB (“House”)

The Parties:

Caroline Anderson, formerly Flat 4/2, 4 Haggs Gate, Glasgow G41 4BB (“Tenant”)

Crawford Thomas, c/o Rettie, 147 Bath Street, Glasgow G2 4SQ (“Landlord”)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) comprising: Joan Devine (Legal Member); Nick Allan (Ordinary Member)

DECISION

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 (“Act”) in relation to the House and taking account of all the available evidence determines that the Landlord has not failed to comply with the duty imposed on them by Section 14(1)(b) of the Act. The Tribunal therefore declines to issue a repairing standard enforcement order. The Tribunal's decision is unanimous.

Background

1. By application dated 21 November 2021, the Tenant 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 Tenant stated that she believed that the Landlord had failed to comply with their duty to ensure that the House met the repairing standard as set out in Sections 13(1) (a) and (b) of the Act. The application stated that the Landlord had failed to ensure that:
 - the house is wind and watertight and in all other respects reasonably fit for human habitation, and
 - the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.

3. The Tenant made the following complaint in her application and in her notification communications to the Landlord :
 - External sliding glass door had broken in that sliding mechanism had failed. Large window pane shattered. Glass debris on deck.
4. On 30 November 2021, the First-tier Tribunal for Scotland (Housing and Property Chamber) issued a Notice of Acceptance stating that the application paperwork had been considered and no further documents or information was required before the application could be accepted for determination by the Tribunal.
5. The Tenant removed from the House on or about 23 November 2021. The Tribunal determined to allow the Application to continue. An inspection was scheduled to take place on 27 January 2022 and a hearing on 3 February 2022. The Landlord's Representative, Rettie, submitted a written representation dated 21 December 2021 in which they said that the necessary repairs had been completed.

Inspection

6. The inspection took place on 27 January 2022. The Landlord was in attendance. Photographs were taken during the inspection and are attached as a schedule to this decision.

The Evidence

7. The evidence before the Tribunal consisted of:
 - 7.1 the application form completed by the Tenant;
 - 7.2 emails of notification from the Tenant to the Landlord's agent notifying them of the issues complained about in the application; and
 - 7.3 the written representations from the Landlord's Representative.

Findings of Fact

8. The Tribunal made the following findings in fact:
 - 8.1 The Tenant of the House was Caroline Anderson in terms of a tenancy agreement between the Tenant and the Landlord dated 30 November 2018.
 - 8.2 In terms of emails the Tenant intimated to the Landlord's Representative that work required to be carried out to the House for the purposes of ensuring that the Landlord complied with the duties imposed by section 14 (1) (b) of the Act.

8.3 The external sliding glass door had been repaired and the debris removed.

Reasons for the Decision

9. The external sliding glass door had been repaired and the debris removed.

Decision

10. Having considered the documentation produced, The Tribunal determines that the Landlord had not failed to comply with the duty imposed by Section 14(1)(b) of the Act. The Tribunal therefore refused to make a repairing standard enforcement order as required by Section 24(2) of the Act. With the agreement of the Landlord the Tribunal decided to determine the proceedings with a hearing.

Right of Appeal

11. A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them. 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.

Joan Devine

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Date : 31 January 2022

Joan Devine, Legal Member