



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 24(1) of the Housing (Scotland) Act 2006

Reference number: FTS/HPC/RP/23/0526

Re: Property at 10 Wraisland Crescent, Bishopton PA7 5LR (registered under title number REN60130) (“Property”)

The Parties:

Mhairi Clare Bradley and Sarah Francesca Bradley, Lochside House, West Glen Road, Houston, Renfrewshire PA6 7GU (“Tenant”)

Catrina Ward, c/o PRG Properties, 12A Bridgewater, Erskine PA8 7AA (“Landlord”)

PRG Properties, 12A Bridgewater, Erskine PA8 7AA (“Landlord’s Agent”)

Tribunal Members :

Joan Devine (Legal Member); Nick Allan (Ordinary Member)

DECISION

The Tribunal determined that 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 in respect that the Property does meet the Repairing Standard in respect of Section 13(1)(a) of the Act. The Tribunal's decision is unanimous.

Background

1. By application submitted on 20 February 2023, 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 they believed that the Landlord had failed to comply with their duty to ensure that the property met the repairing standard as set out in Section 13(1) (a) and (h) of the Act. The Tenant made the following complaints in the application and in the notification communication to the Landlord
 - Window in dining area does not close properly letting in wind and water
 - Window in upstairs bedroom does not seal properly letting in wind

3. The Tenant vacated the Property on 26 February 2023. The Application was continued by Minute of Continuation dated 31 March 2023. The Application was referred to the Tribunal and an inspection and hearing were fixed for 17 August 2023.
4. Prior to the Inspection the Landlord's Agent submitted written representations by email dated 15 May 2023 in which they stated that the necessary works had been carried out.

The Inspection

5. The Tribunal inspected the Property on the morning of 16 August 2023. The weather conditions at the time of the inspection were dull and overcast. Mairi Mitchell of the Landlord's Agent was present at the Property during the inspection. The Property is a mid-terrace two storey property.

The Hearing

7. The Hearing took place on 17 August 2023 at Glasgow Tribunals Centre. Neither the Tenant or the Landlord was in attendance.

The Evidence

8. The evidence before the Tribunal consisted of:
 - 8.1 The Application completed by the Tenant
 - 8.2 Land Register report relating to the Property
 - 8.3 Written representation from the Landlord's Agent dated 15 May 2023 with photographs annexed
 - 8.4 The Tribunal's inspection of the Property

Summary of the Issues

9. The issue to be determined was whether the Property meets the repairing standard as set out in Section 13 of the Act and whether the Landlord had complied with the duty imposed on them by Section 14(1)(b).

Findings in Fact

10. Tribunal made the following findings in fact:
 - 10.1 The Tenant lived in the Property between 17 July 2021 and 26 February 2023.
 - 10.2 The tenancy is a tenancy of a house let for human habitation, which does not fall within the exceptions set out in Section 12(1) of the Act. The provisions set out in Chapter 4 of the Act therefore apply.

- 10.3 The tenancy of the Property is managed by the Landlord's Agent.
- 10.4 The Tribunal in its inspection carefully checked the items which were the subject of the application. Inside the Property the Tribunal observed the following:
- 10.4.1 Dining room window securely shut.
- 10.4.2 Fully functioning bedroom window.

Reasons for Decision

11. Following its inspection and the hearing, the Tribunal determined that the Property does meet the repairing standard Section 13(1)(a) of the Act and it does meet the tolerable standard as required by Section 13(1)(h) of the Act.

Observations by the Tribunal

12. The Tribunal noted that the rubber bead detail on the window in the dining room and the bedroom is badly fitted.

Decision

13. The Tribunal determined that the Landlord has complied with the duty imposed by Section 14(1)(a) of the Act. The Tribunal refuses to make a repairing standard enforcement order.

Right of Appeal

In terms of Section 46 of the Tribunal (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.

**Legal Member
21 August 2023**