

Housing and Property Chamber
First-tier Tribunal for Scotland



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

HOUSE AT FLAT 0/2, 6 Brick Lane, Paisley, PA3 4AE

Case Reference FTS/HPC/RT/19/3067

Mr Terrence Williams, Flat 0/2, 6 Brick Lane, Paisley, PA3 4AE (“the Former Tenant”)

Mr Sarbjit Singh Benning, Hillside, Bogstonhill Road, Houston, Johnstone, PA6 7HH (“the Landlord”)

Communities Housing and Planning Services, Renfrewshire Council, Renfrewshire House, Cotton Street, Paisley, PA1 1BR (“the Third Party Applicant”)

Flat 0/2, Brick Lane, Paisley, PA3 4AE (“the Property”).

Tribunal Members: Martin McAllister (Legal Member) and Lorraine Charles, Chartered Surveyor, (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 had not failed to comply with the duty imposed by Section 14 (1) (b) of the Act and therefore that no Repairing Standard Enforcement Order requires to be made.

Background

1. By application received by the Tribunal on 2nd October 2019, the Third Party Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (the Tribunal) for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 as amended (the 2006 Act). The application is in terms of Section 22 (1A) of the 2006 Act.

2. Consideration of the application was delayed because of the Coronavirus restrictions.
3. The Tribunal received confirmation from the Landlord that the tenancy of the house had been terminated. The Tribunal decided that the application should be determined in terms of Schedule 2 Paragraph 7(3) of the Act and issued a Minute of Continuation on 10th December 2019.
4. The application stated that the House did not meet the repairing standard set out in Section 13 of the 2006 Act. It states that the installations in the Property for the supply of water, gas and electricity and for sanitisation, space heating and heating water are in a reasonable state of repair and in proper working order and that fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order.
5. The Application refers to specific matters:
 - 5.1. Both fridges in the kitchen/living room area are not working.
 - 5.2. Hole in bathroom floor between the toilet and the shower base.
 - 5.3. The shower is not working.
 - 5.4. The wash hand basin in the bathroom was blocked.
 - 5.5. Damaged toilet seat which requires to be replaced.
 - 5.6. The Tenant has not been provided with an electrical safety certificate.

The Inspection

6. Members of the Tribunal inspected the House on 15th June 2021. The Landlord was present together with the new tenant, Mr Anthony Arkwell. No representative of the Third Party Applicant was present. A schedule of photographs and inspection summary prepared by the Ordinary Member is attached to this Decision and is incorporated in it.

Certificate

7. Prior to the Inspection, the Landlord submitted an Electrical Installation Condition Report dated 15th June 2018.

The Hearing

8. A Hearing was held on 23rd June 2021 and was conducted by audio conference. There was no appearance by either party. It was established that each party had been given notice of the Hearing.
9. The Tribunal considered whether or not it could determine the application in the absence of parties and decided that it could do. The power to do so is contained within Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The tribunal was satisfied

that parties had received notice of the Hearing in terms of Rule 24(1) and that it had sufficient information to determine the application.

Findings and Reasons

10. The Tribunal considered the terms of the electrical installation condition report submitted by the Landlord and found it to be in satisfactory terms.
11. The Tribunal was satisfied that, based on the Inspection, there was one fridge in the Property which was in working order, that the hole in the bathroom floor had been repaired, that the shower and washhand basin were working and that the toilet seat was not damaged.
12. The Tribunal was satisfied that, in relation to the matters raised in the application and based on its Inspection of the Property and the Electrical Installation Condition Report, the House meets the repairing standard set out in Section 13 of the 2006 Act.

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.

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.

Martin J. McAllister,
Legal Member
23rd June 2021