

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### First-tier Tribunal for Scotland (Housing and Property Chamber)

### Determination under section 24(1) of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/22/1210

Property at 1/3, 228 Howard Street, Glasgow, G1 5HH  
("The House")

#### The Parties:-

Miss Maya McMahon-Boon, formerly residing at Flat 1/3, 228 Howard Street, Glasgow, G1 5HH ("the former Tenant")

Martin Sutterby, c/o Let-it Letting Agency, 123 Stockwell Street, Glasgow, G1 4LT  
("the Landlord")

#### The Tribunal comprised:-

Mrs Ruth O'Hare - Legal Member  
Mr Mike Links - Ordinary Member

#### Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') unanimously determined that the Landlord had complied with the Repairing Standard duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006

#### Background

1. By application to the Tribunal the former Tenant sought a determination that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"). In particular the former Tenant alleged that there had been a lack of hot water for six consecutive weeks in the property which had resulted in the occupants suffering from health issues. The Landlord was therefore in breach of section 13(1)(c) of the Act in that he had failed to ensure the installations in the house for the supply of water and for heating water were in a reasonable state of repair and in proper working order.
2. On 23 June 2022 the Tribunal received a request from the former Tenant to withdraw the application. The former Tenant advised that she would be vacating the property on 15<sup>th</sup> July 2022 and did not wish to continue with the proceedings as a result.

3. By Minute of Continuation the Tribunal determined to continue with the application on the basis that the issues highlighted by the former Tenant could pose a health and safety risk to future occupants and it was therefore in the public interest to continue to determine the application.
4. On 4<sup>th</sup> July 2022 the Tribunal attended the property to carry out an inspection but were unable to gain access. The inspection subsequently took place on 10<sup>th</sup> August 2022. Access was allowed by employees of Let-it Letting Agency on behalf of the Landlord. The hot water unit was tested and found to be in working order. A hearing was subsequently held by teleconference on the same date. No parties were in attendance.

### **Reasons for Decision**

5. The Tribunal considered it had sufficient information to make a determination of the application and it did not require to hold a further hearing in the matter as a result of the lack of attendance by parties. The Tribunal had been given the opportunity to independently inspect the property and was able to confirm that the property did have a functioning system for the provision of hot water which appeared to be in proper working order. On that basis the Tribunal was content that the Landlord had complied with his duties under the Repairing Standard.
6. The decision of the Tribunal was unanimous.

**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.**

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.

Signed

Ruth O'Hare  
Chairperson

Date – 20 August 2022