

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

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

First-tier Tribunal

Chamber **Ref: FDS/HPC/RT/23/2183**

Land Register Title Number: AYR82131

Re Property at Flat 2/L, 47 Nelson Street, Largs KA30 9AA ("the Property")

The Parties: -

1. Mr. Angus Corbett, residing at Flat 2/L, 47 Nelson Street, Largs KA30 9AA ("the Applicant") and
2. Homes for Good Investments Limited, incorporated under the Companies Acts (Company Number SC481622) and having their registered office at 123, Main Street, Bridgeton, Glasgow ("the Respondent")

### 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 has 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.

The Tribunal comprised: -

Mr. Andrew Cowan, Legal Member, and  
Mr. Lori Charles, Ordinary Member (Surveyor)

### Background

1. By an application dated 30<sup>th</sup> June 2023, the Applicant applied to the First Tier Tribunal Housing and Property Chamber for a determination as to

whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing Scotland Act 2006.

2. The Applicant is represented in his application by CHAP, 71 Princes Street, Ardrossan ("the Applicant's representative").
3. The application referenced a letter issued the Applicant's representative, to the Respondent, dated 17<sup>th</sup> May 2023, which specified that the Third Party Applicant did not consider that the Property met the Repairing Standard duty imposed by Section 14 (1)(b) of the Act for the following reasons (in summary): -
  - a) The windows throughout the Property are not wind and watertight.
  - b) Dampness throughout the Property.
  - c) Water damage to the ceiling and wall of the Bedroom.
  - d) Dampness and mould in the Bedroom.
  - e) Dampness in the kitchen.
  - f) Installation of slugs in the kitchen
  - g) The kitchen sink is slow to drain and may be blocked.
  - h) The bathroom extractor fan does not provide adequate ventilation leading to excessive dampness.
  - i) The water heater is slow and expensive to use.
  - j) Expensive and ineffective heating throughout the Property.
3. Notice of Referral to the Tribunal under section 22 (1) of the Act was sent to the parties on 14<sup>th</sup> August 2023.

### **Hearing and Inspection**

4. The tribunal inspected the Property on the morning of 16<sup>th</sup> October 2023. The Applicant was present during the inspection. The Respondent was represented at the inspection by Ms. Jovanna Lawrie, Head of Lettings for the Respondent.
5. Photographs were taken by the tribunal during the inspection. Copies of the photographs are attached as a schedule to this statement of decision.
6. In advance of the hearing the Respondent had lodged several submissions and productions with the Tribunals. These had been copied to the Applicant. The submissions explained that several repairs had been carried out to the Property. The Respondent explained that a new roof had been fitted to the tenement in which the Property is located. As a result, the Respondent has noted that the Property was now dry and free from dampness. The Respondent further explained that works had been carried out to all windows at the Property to ensure that they are in reasonable condition. Trickle air vents had been fitted to all windows in

the Property and new gaskets had been fitted to the windows. The Respondent has been in contact with the Applicant to provide support with how to efficiently operate and program the heating in the Property.

7. A hearing took place at Glasgow Tribunals Centre, 20 York Street, Glasgow at 1400 on 16<sup>th</sup> October 2023. The Applicant was represented by Mr. Alister Meek of the Applicant's Representatives. The Respondent was represented by Ms. Jovanna Lawrie, Head of Lettings for the Respondent.
8. At the hearing the tribunal outlined their observations from the inspection which had taken place earlier in the day.
  - a. Having tested the walls in the living room/kitchen and bedroom of the Property with a damp meter, the tribunal had been unable to establish any significant dampness in either of these rooms.
  - b. The tribunal had noted that all windows in the Property had been fitted with trickle air vents and that all of the windows were in a reasonable state of repair and in proper working order..
  - c. There was no evidence of slug infestation in the kitchen. The kitchen sink drained appropriately.
  - d. The bathroom extractor fan was operating and appeared to be in a reasonable state of repair and in proper working order.
  - e. The Tribunal had noted that the Property had storage heaters and an electric immerser for hot water.
9. Mr. Meek accepted the observations of the tribunal from their inspection of the Property and indicated that he was satisfied that the matters raised in the application had been attended to by the Landlords.
10. The Tribunal noted that whilst concern had been raised by the Applicant about the costs of the heating and hot water at the Property, no evidence had been given which supported the contention that such costs were excessive. The Respondent had sought to provide support and guidance to the Applicant in relation how to operate and program these systems. Mr. Meek indicated that he accepted the Respondent's position on this matter.

## **Findings in Fact**

11. The Tribunal find the following facts to be established: -
  - a. The windows in the property are in a reasonable state of repair and in proper working order.
  - b. There is no significant dampness in the Property.
  - c. There is no infestation of slugs in the Property.
  - d. The kitchen sink drains appropriately.

e. The Property is in a reasonable state of repair.

12. The Tribunal makes no findings in relation to the costs of operating the heating and hot water systems at the Property. The Tribunal is not satisfied that there is evidence to support a finding in fact that the associated costs of operating these systems is excessive.

### **Reasons for the Decision**

13. The tribunal noted that the Landlords have recently carried out works to the Property. The works carried out by the Landlord have addressed the issues raised by the Third-Party Applicant in their application.
14. The tribunal accordingly determined that there was no requirement to make a repairing standard enforcement order in respect of the Property.

### **Right of Appeal**

**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.

Chairperson: Andrew Cowan

Date: 16<sup>th</sup> October 2023

# Housing and Property Chamber

## First-tier Tribunal for Scotland



### Pre-hearing inspection summary and schedule of photographs



**Property** Flat 2/L 47 Nelson Street Largs KA30 9AA

**Ref No:** FTS/HPC/RP/23/2183

**Tribunal members** Mr Andrew Cowan Legal member and Ms Lori Charles Ordinary member (Surveyor)

### **Purpose of inspection**

The purpose of the inspection is to prepare a record of the position at the property, specifically as it relates to the items raised in the application and any issues arising therefrom.

### **Access**

The above Tribunal Members attended the property at 10:00am on 16/10/23. Also in attendance were the Tenant Mr Angus Corbett and the landlords representative Ms Jovanna Laurie

*Lori Charles*

BSC (Hons) MRICS

Ordinary (Surveyor) Member  
First-Tier Tribunal for Scotland - 16/10/23

## Appendix 1

Schedule of photographs taken during the inspection on 16/10/23

### Lounge/ Kitchen



Windows have been fitted with trickle ventilation and new gaskets - no evidence of draughts or water ingress.

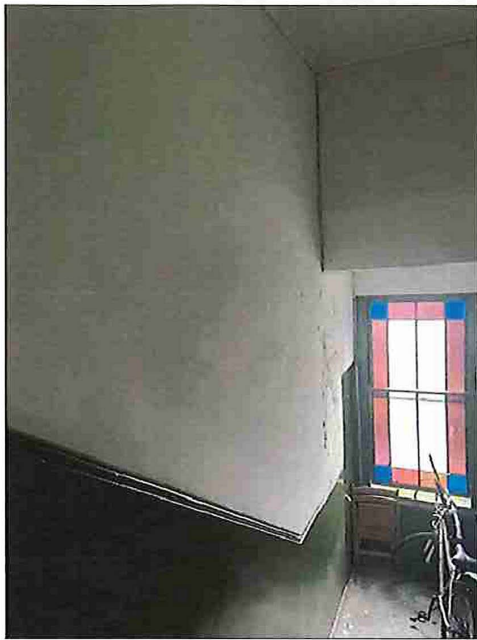


All moisture reading taken within lounge/kitchen are within normal range.

### Kitchen cont

No evidence of a slug infestation or dampness around kitchen skirting boards. Sink tested and drain appears to be clearing normally.

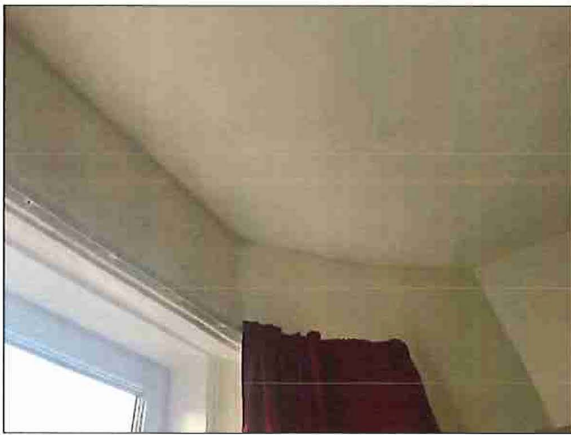
### Common close wall backing on to kitchen



Historic water ingress noted, all moisture readings taken within kitchen are within normal range.

### Bedroom





Internal walls within flat have been tested with a moisture meter and all readings are within normal levels. No evidence of mould/dampness.  
Window fitted with trickle ventilation and new gaskets fitted.

### **Bathroom**



Mechanical extract tested and appears to be in working order