

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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**First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)**

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006 Section 24**

**In connection with**

**Property at 157 Neilston Road, Paisley, PA2 6QL**

**Case Reference FTS/HPC/RT/19/2901**

**Parties-**

**Ms Sandra Moore, formerly 157 Neilston Road, Paisley, PA2 6QL (“The Tenant”)**

**Mr Mansoor Zafar, 21 Briarlea Drive, Giffnock, G46 6DS (“The Landlord”)  
Renfrewshire Council, Community Housing and Planning Services, Renfrewshire House,  
Cotton Street, Paisley, PA1 1JD (“the Third Party Applicant”)**

**Andrew Cowan (Legal Member)**

**Carol Jones (Ordinary Member)**

**Decision**

1. Whereas in terms of their decision dated 14 January 2020, the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Landlord has failed to comply with their duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) and in particular that the Landlord has failed to ensure that:-
  - a. 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;
  - b. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;
  - c. Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order;
  - d. The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire;
  - e. The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

2. In particular the Tribunal requires the Landlord to:-

- a. Commission a certified Electrical Installation Condition Report (EICR) AND Portable Appliance Test (PAT) on the entire electrical installations of the Property and all electrical appliances and equipment supplied by the Landlord, which report should be carried out by a suitably qualified and registered SELECT, NAPIT or NICEIC electrical contractor; and
- b. Carry out such works as are necessary to rectify any identified issue in the Electrical Installation Condition Report and provide the Tribunal with a report from a suitably qualified and registered SELECT or NICEIC electrical contractor confirming that the works are completed; and
- c. Provide the Tribunal with a current gas safety record in respect of the Property by a gas safe registered plumbing and heating engineer which shows that the boiler, all associated pipework, radiators and any other gas appliances have been checked, repaired as necessary and are in a safe and proper working order; and
- d. Install smoke and heat detectors in the property as required in terms of the current Scottish Government Statutory Guidance for the satisfactory provision for the detection and warning in the event of fire and suspected fire and current building regulations;
- e. Carry out such works as are necessary to repair or renew the left-side window in the front bedroom of the Property so that it is in a reasonable state of repair and in proper working order;
- f. Carry out such works as are necessary to the area immediately below the boiler to ensure all exposed pipework and wiring is covered, so that it is in a reasonable state of repair and in proper working order;
- g. Carry out such works to the house as are necessary to comply with Section 13(1)(g) of the Act by the installation of a carbon monoxide (CO) detection system in accordance with the current Scottish Government Statutory Guidance for the Provision of Carbon Monoxide Alarms in private rented housing and in particular to ensure that the CO detector is correctly and safely positioned in accordance with that guidance.;
- h. Carry out such works as are necessary to secure the external soil pipe located on the rear elevation, so that it is in a reasonable state of repair and in proper working order.

2. The period allowed for the completion of the work required by the order is four weeks from the date of service of this notice.

### **Right of Appeal**

1. 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.

A Cowan

Chairperson  
Andrew Cowan

Date 17 JAN 2020

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**



**First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)**

**STATEMENT OF DECISION OF THE TRIBUNAL UNDER SECTION 24(1) OF THE HOUSING (SCOTLAND) ACT 2006**

**In connection with**

**Property at 157 Neilston Road, Paisley, PA2 6QL**

**Case Reference FTS/HPC/RT/19/2901**

**Parties-**

**Ms Sandra Moore, formerly 157 Neilston Road, Paisley, PA2 6QL (“The Tenant”)**

**Mr Mansoor Zafar, 21 Briarlea Drive, Giffnock, G46 6DS (“The Landlord”)  
Renfrewshire Council, Community Housing and Planning Services, Renfrewshire House,  
Cotton Street, Paisley, PA1 1JD (“the Third Party Applicant”)  
Andrew Cowan (Legal Member)  
Carol Jones (Ordinary Member)**

**Decision**

1. The Tribunal, having made such enquiries as are fit for purposes of determining whether the Landlord has complied with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 (hereinafter “the Act”) in relation to the property determined that the Landlord has failed to comply with the duty imposed by section 14(1)(b) of the Act.

**Background**

1. By application dated 16 September 2019 (hereinafter referred to as “the application”) the Third Party Applicant applied to the Tribunal for determination of whether the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.
2. The Application stated that the Third Party Applicant considered that the Landlord had failed to comply with the duty to ensure the House meets the Repairing Standard and, in particular the Landlord had failed to ensure compliance with the following paragraphs of section 13(1) of the Act:

- 13(1) a. The house is wind and watertight and in all other respects reasonably fit for human habitation;

- 13(1) b. 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;
- 13(1) c. The installations in the house for the supply of water, gas and electricity and sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;
- 13(1) d. Any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order;
- 13(1) f. The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire;
- 13(1) g. The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

3. The Third Party Applicant has stated, within the application, details as to why they consider the Landlord has failed to meet the Repairing Standard. The Third Party Applicant has intimated to the Landlord a list of defects which they consider the Landlord requires repairing in order to bring the Property up to the Repairing Standard. A summary of the issues brought forward by the Third Party Applicant, which have been intimated to the Landlord, are:-

- a. The Landlord did not appear to have provided the Tenant with an Electrical Safety Certificate.
- b. The Tenant does not appear to have been provided with a valid Gas Safety Certificate from a registered Gas Safety Engineer.
- c. There is no smoke detection in the hall and living room.
- d. There is no heat detector in the kitchen.
- e. The Tenant has advised the Third Party Applicant that the front door sticks and does not always open.
- f. The left-hand window in the bedroom does not close securely and is not wind and water tight.

- g. There is a strong smell of dampness in the property.
  - h. There are two large areas of missing plasterboard below the gas boiler located in the kitchen.
  - i. There are gaps in the pointing of the stonework to the front of the property.
  - j. The gutters to the front and rear of the property are blocked.
  - k. The external soil vent pipe beside the kitchen window is loose.
  - l. The external waste pipe from the bathroom has a plastic bag around it to fill a gap in the stonework.
  - m. There are a number of cracked and unstable paving stones at the rear of the property.
  - n. The carbon monoxide detector is located above and in close proximity to the boiler.
4. This application was accepted by the Chamber President on 30 October 2019 and was referred for the Tribunal's consideration.
5. By letter dated 5 December 2019 issued to both parties the Tribunal advised they would inspect the property on 9 January 2020 at 10am. A hearing would then be held at 11.30 on the same date at the Glasgow Tribunal Centre, Room 109, 20 York Street, Glasgow, G2 8GT.
6. The Tribunal inspected the property on 9 January 2020. None of the parties were present at the inspection. Photographs were taken during the inspection by the Tribunal. Copies of the photographs taken by the Tribunal are attached as a schedule to this report. A hearing had been intimated to all parties and was to be held on 9 January 2020. None of the parties attended the hearing.

### **Findings in Fact**

7. The Landlord and the Tenant were the parties to a tenancy agreement in respect of the Property at 157 Neilston Road, Paisley, Renfrewshire. The tenancy started on 4 February 2009.
8. The Tenant vacated the Property and the tenancy terminated on or around 1 December 2019.
9. The Third Party lodged the application with the Tribunal dated 16 September 2019.

10. Following the Tenant leaving the Property the Tribunal determined (given the health and safety nature of some of the complaints made by the Third Party Applicant), to continue to consider the application.
11. The Property does not currently meet the Repairing Standard and in particular the Landlord has failed to comply with subsections (b),(c),(d),(f) and (g) of Section 13(1) of the Act.

### **Reasons for Decision**

12. By reference to the numbered list of complaints raised by the Third Party Applicant, the Tribunal noted that:-
  - a. No current electrical safety certification has been provided by the Landlord. The Landlord has failed to make available a copy of a current electrical installation condition report;
  - b. No current gas safety record from a registered gas safety engineer has been made available by the Landlord. (After the inspection and hearing the Landlord emailed the Tribunal with a copy of a gas safety record. The terms of that record are not fully legible);
  - c. The Tribunal noted that there was no smoke detectors in the property;
  - d. The Tribunal noted that there was no heat detector in the kitchen;
  - e. The Tribunal noted that whilst the front door handle of the Property is not totally secure, the front door did open and close correctly;
  - f. The left hand window in the front bedroom of the Property is ill fitting, has damaged tilt and turn mechanisms and seals, has now been sealed closed and is not capable of being opened. The Tribunal noted that the window was not in property working order;
  - g. The Tribunal did not detect any strong smell of dampness in the Property;
  - h. A new boiler has recently been installed in the Property. Arrangements have been made to box-in the pipe work and exposed wiring which leads from the wall mounted boiler to the floor but this box is not properly secured. The box provided by the Landlord in this respect is not in a reasonable state of repair;

- i. There is evidence that repairs have been carried out to the pointing of the stonework at the front of the Property;
- j. The Tribunal were not satisfied that there was evidence that the gutters to the front and rear of the Property are blocked.
- k. The Tribunal noted that the external common soil vent pipe beside the kitchen window is loose and a temporary repair has been carried out at one of the joints. The pipe appears to be in proper working order but works to secure the pipe to the rear elevation are required;
- l. The Tribunal noted that there was evidence some repairs to the roughcast have been carried out to the area where the external waste pipe exits from the bathroom at the Property. There was no evidence of any continuing failure to meet the Repairing Standard in relation to this matter;
- m. The Tribunal noted that there was evidence that recent repairs had been carried out to paving stones at the rear of the Property. The Tribunal were satisfied that there was no evidence of any continuing failure of the Repairing Standard in relation to this matter;
- n. The Tribunal noted that a wall mounted carbon monoxide detector was located just above the boiler in the Property. The location of this carbon monoxide detector does not comply with current Scottish Government Statutory Guidance which states that "CO detectors in the space containing the combustion appliance should be sited between 1 and 3 metres from the appliance". Accordingly the Tribunal determined that the Landlord has failed to comply with the Repairing Standard in relation to this matter.



## **Right of Appeal**

- 13. 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.**

A Cowan

Chairperson  
Andrew Cowan

Date 17 Jan 2020

**Housing and Property Chamber**  
**First-tier Tribunal for Scotland**

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**Schedule of photographs taken during the inspection of 157 Neilston Road, Paisley PA2  
6QL by the First-tier Tribunal for Scotland (Housing and Property Chamber)  
on Thursday 9 January 2020**

**Reference Number : FTS/HPC/RT/19/2901**



**Front Elevation**



Hall - ceiling mounted fitting/smoke alarm missing



Hall - 2nd ceiling mounted fitting/smoke alarm missing



Living Room - no smoke alarm



Kitchen - no heat alarm



Hall - Front door



Front bedroom - external view - defective window/mechanisms - large gap to side



Front bedroom - internal view - defective left side window - sealed shut



Front bedroom - internal view - defective left side window damaged seals



Back bedroom



Front bedroom



Kitchen - pipes and wiring exposed under boiler, defective/loose boxing



Kitchen - pipes and wiring exposed under boiler



Front elevation - stonework recently re-pointed under living room bay window



Front elevation - stonework recently re-pointed under and to side of living room bay window



Rear elevation - soil pipe defective and not secured to wall properly



Rear elevation - soil pipe defective and not secured to wall properly



Rear elevation - waste pipe from bathroom - external roughcast to surrounding wall patched



Rear paving stones - cracks repaired with mortar



**Rear elevation**



**Kitchen - wall mounted Carbon Monoxide alarm situated just above and to the right of the boiler**