

Housing and Property Chamber First-tier Tribunal for Scotland



Under the Housing (Scotland) Act 2006 Section 24

Chamber Ref:	FTS/HPC/RP/22/0263
Property Address:	Flat 4/2, 75 Port Dundas Road, Glasgow G4 0HF (“the property”)
The Parties:	Mrs Abeer Alghamdi, Flat 4/2, 75 Port Dundas Road, Glasgow G4 0HF (“the applicant”) Lowther Homes Ltd, 25 Cochrane Street, Glasgow G1 1HL (“the respondent”) The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”)

Decision:

The tribunal, having made such inquiries as is fit for the purpose of determining whether the respondent has complied with the duties imposed upon them by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the property concerned, and taking account of the evidence presented in the written representations and following upon the inspection, determined that the respondent has failed to comply with the duties imposed by section 14 (1)(b) of the Act.

Background:

An application was made by the applicant on 26 January 2022 and received by the tribunal on 27 January 2022. Further information was sought by the tribunal and a copy of the Private Residential Tenancy Agreement was subsequently provided. The application was accepted on 29 March 2022. Intimation of the application was made to the respondent on 13 April 2022. On 28 April 2022 the tribunal received a withdrawal request from the applicant. The tribunal determined to continue with the application. An inspection took place.

In summary the issues:

1. The glass screen door in the bathroom was broken.
2. There was mould within the property.
3. The letterbox was defective as were door handles.
4. There was an issue with the sewage pipe in the bathroom.
5. There was water damage to the floor in the main bathroom affecting the wall in the hall.
6. The shower did not work and the bath tub was broken.
7. Both toilet flushes need to be repaired.
8. There was a problem with the heating and hot water.

In addition the tenant ticked the boxes on the application form indicating that the property did not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire or satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health and that the property did not meet the tolerable standard.

The inspection took place on 23 May 2022 at 10.30 am.

Tribunal Members:

Mr Mark Thorley (Legal)
Ms Carol Jones (Ordinary)

The Inspection:

The tribunal inspected the property on Monday 23 May 2022 at 10.30 a.m. The weather was dry and sunny.

The property is on the fourth floor of a large modern flatted development with commercial properties to the ground floor and located within Glasgow city centre. The property consists of two bedrooms (one with en-suite), living room with open plan kitchen and bathroom.

Living room/Open plan Kitchen

- (a) The mould which had appeared round the exterior balcony doors had been repainted. There was no visible sign of mould.
- (b) There was a free standing carbon monoxide detector in the cupboard housing the boiler and a wall mounted carbon monoxide detector situated adjacent to the open plan kitchen.
- (c) There was a ceiling mounted smoke detector in the living room and a ceiling mounted heat detector in the open plan kitchen.

Hall

- (a) There is a new front door handle.
- (b) The internal aspect of the letterbox is missing the cover.
- (c) There was a ceiling mounted smoke detector.
- (d) The mould which had appeared at the base of the wall adjacent to the main bathroom had been repainted

Main bathroom

- (a) There is a new electric shower within the bathroom.

- (b) The bath panel has been secured.
- (c) There is damage to the floor from a former leak.
- (d) The ceiling had been repainted.
- (e) The door handle had been repaired.
- (f) The toilet flushed properly.

Bedroom with en-suite

- (a) The surrounds to the windows have been repainted and there is no sign of mould.
- (b) In the en-suite shower room the shower door has been replaced.
- (c) The walls and ceiling in the en-suite shower room had been repainted.
- (d) The door handle to the en-suite shower room had been repaired.
- (e) The toilet flushed properly and the toilet seat replaced.
- (d) There remains a smell within the en-suite shower room.

The Hearing:

On the teleconference there were no persons.

The applicant had withdrawn the application but did not attend in any capacity nor did the respondent.

Thereafter the tribunal members discussed the findings of the inspection.

Findings in Fact

The tribunal made the following findings in fact:-

1. The applicant entered into a lease with the respondent with a commencement date of 22 October 2021.
2. The property is a flat on the fourth floor of a modern flatted development located in Glasgow city centre.
3. The property consists of a living room with open plan kitchen, bathroom, two bedrooms, one with an en-suite shower room.
4. In the living room there is an exterior balcony door which surround has been repainted and mould removed.
5. In the living room there is an unfixed carbon monoxide detector in the cupboard housing the boiler and a wall mounted carbon monoxide alarm, this should be placed at height and should be repositioned in accordance with statutory guidelines.

6. The smoke alarms contained within the living room and hall and the heat alarm within the open plan kitchen are not interlinked.
7. In the hall there is a letterbox without an interior cover. This needs to be replaced.
8. In the main bathroom there remains a smell. There requires to be investigation of the flooring in the bathroom to ensure that there is no ongoing water damage and any damage as a result of the former leak is made good. There is no mould to the adjacent wall in the hall which has been repainted.
9. In the main bedroom with the en-suite the mould has been cleaned and the window surrounds have been repainted.
10. In the en-suite shower room annexed to the bedroom there continues to be a smell and there is an issue of drainage from the shower unit. This needs to be investigated and a report prepared and any works identified to be carried out.
11. The shower door has been replaced and a new toilet seat fitted in the en-suite shower room.
12. There is a new electric shower in the main bathroom and the bath panel has been secured.
12. The defective door handles in the property have been either repaired or replaced.
13. The heating and hot water are functioning properly.
14. The main bathroom and the en-suite shower room have been repainted.

Reasons for decision

In considering the repairing standard, the tribunal carried out an internal inspection of the property. In addition, the tribunal considered the written documentation from the applicant.

The respondent had provided no written response nor did they attend at the inspection or at the hearing.

In the living room, bedrooms, hall, bathroom and en-suite shower room it was noted that mould was no longer present, all formerly affected areas had been treated and repainted.

The glass screen door in the en-suite has been replaced along with the toilet seat and the toilet flushes properly.

In the hall it was noted that the letterbox had no inner cover. The door handles had been repaired or replaced.

There was a wall mounted carbon monoxide detector in the living room, it needs to be located at a distance of between 1 - 3 metres from the boiler and above all door and window openings, in terms of the current statutory guidance.

It is also noted that the smoke alarms in the living room and hall and the heat alarm in the kitchen were not interlinked.

In the main bathroom off the hall the shower has been replaced, the bath panel secured and the toilet flushes properly however it was noted that there remained a smell. There was concern that there had been water leakage and there needs to be an investigation of this.

Within the en-suite shower room there was a pungent smell. There was a problem with the shower tray and the drain. Again there requires to be an investigation in relation to this and such repairs as are needed to be carried out.

The tenant confirmed at the inspection that both the heating and hot water are functioning properly.

Decision

The tribunal considered the terms of Section 13(3) of the Act, and determined that the respondent has failed to comply with the duty imposed by Section 14(1)(b) of the Act.

The tribunal proceeded to make a repairing standard enforcement order as required by Section 24(2) of the Act. The decision of the tribunal was unanimous.

Right of appeal

A landlord or tenant or third party applicant aggrieved by the decision of the tribunal may apply 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 in 30 days from the date the decision was sent to them. Where such an appeal is made, the effect of the decision will be treated as having effect from the date of which the appeal is abandoned or so determined.

M Thorley

Legal Member:

Signed:

Date: 10 June 2022

Chairman