



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Section 24(1) of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/23/2133**

**Property : 160C Paisley Road, Renfrew PA4 8DA (“Property”)  
Title Number : REN32098**

**Parties:**

**Renfrewshire Council, Environment Housing and Infrastructure, 4<sup>th</sup> Floor, Renfrewshire House, Cotton Street, Paisley PA1 1TT (“Third Party”)**

**Emily Smith, 160C Paisely Road, Renfrew PA4 8DA (“Tenant”)**

**Stacey Cameron, 1 Briary Lane, Castlebank, Port Glasgow PA14 6RD (“Landlord”)**

**McArthur Renton Letting, 6A Mains Drive, Erskine PA8 7JQ (“Landlord’s Representative”)**

**Tribunal Members :**

**Joan Devine (Legal Member); Nick Allan (Ordinary Member)**

**DECISION**

The Tribunal determined that 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 in respect that the Property does meet the Repairing Standard in respect of Section 13(1)(a),(c),(d)(f) and (h) of the Act. The Tribunal will not issue a repairing standard enforcement order. The Tribunal's decision is unanimous.

**Background**

1. By application dated 28 June 2023, the Third Party applied to the Tribunal for a determination that the Landlord had failed to comply with their duties under Section 14(1) of the Act.
2. In the application, the Third Party stated that they believed that the Landlord had failed to comply with their duty to ensure that the property met the repairing standard as set out in Sections 13(1)(a),(c)(d)(f) and (h) of the Act. The Application stated that the work which required to be carried out was:
  - Provide a current Electrical Installation Condition Report (“EICR”).
  - Provide a current gas safety certificate.
  - There should be one functioning smoke alarm in every circulation space.

- Areas of dampness and cracking require to be investigated and repaired.
  - The ceiling light in the main bedroom and hall not working
3. The Application was referred to the Tribunal and an inspection and Hearing were fixed for 2 October 2023.
  4. The Tribunal issued a direction dated 11 September 2022 seeking production of the following by 27 September 2023 :
    - A current Electrical Condition Installation Report (“EICR”) from a SELECT, NICEIC OR NAPIT registered electrician following a full inspection of the electrical installation and apparatus throughout the Property confirming the installation and apparatus is fully functioning and meets current regulatory standards and containing no category C1 or C2 items of disrepair. The EICR should include specific reference to the provision for smoke and heat detection in accordance with existing Scottish Government guidelines.
    - A current Gas Safety Certificate for the Property.
    - Evidence of the installation of a carbon monoxide alarm at the Property.
  5. On 30 August 2023 the Landlord’s Representative lodged a written submission along with a current EICR which confirmed that the installation and apparatus in the Property is fully functioning and meets current regulatory standards and which contained no category C1 or C2 items of disrepair, a current Gas Safety Certificate for the Property, a photograph of a carbon monoxide detector in the Property and a photograph of the ceiling in the Property where works had been carried out.

### The Inspection

6. The Tribunal inspected the Property on the morning of 2 October 2023. The weather conditions at the time of the inspection were dry and bright. William Holmes of the Third Party Applicant, Stewart Renton of the Landlord’s Representative and Paddy Casey, the Tenant’s partner, were present at the Property during the inspection. A schedule of photographs taken at the inspection is provided with this Decision.

### The Hearing

7. The Hearing took place on 2 October 2023 at Glasgow Tribunals Centre. Stewart Renton of the Landlord’s Representative was in attendance. The Tenant was not in attendance not was the Third Party.
8. Mr Renton told the Tribunal that works had been carried out to the roof of the Property by the factor in the summer. Works had then been carried out to the interior of the Property to deal with dampness and cracking. Plaster had been applied following the works which was now drying out. Mr Renton told the Tribunal that once it had dried out the affected areas would be painted.
9. The certification set out in the direction had been received in advance of the inspection. The Tribunal noted that there was no evidence of mould in the living

room and that a thermal imaging camera had been used during the inspection and there was no evidence of damp.

10. The Tribunal noted that the inspection showed that there was a smoke detector in the hall and the living room of the Property. Testing indicated that the smoke alarms were interlinked. There was a heat detector in the kitchen. At the inspection Mr Casey told the Tribunal that the issue with the lights in the bedroom and hall had been due to faulty light bulbs. These had been replaced and both lights were functioning.

### The Evidence

11. The evidence before the Tribunal consisted of:
  - 11.1 The Application completed by the Third Party Applicant
  - 11.2 Land Register report relating to the Property
  - 11.3 Notification letter to the Landlord dated 14 November 2022
  - 11.4 Emails between the Third Party Applicant and the Landlord regarding works required at the Property.
  - 11.5 The Tribunal's inspection of the Property
  - 11.6 Written submission from the Landlord's Representative
  - 11.7 The oral representations of the Landlord's Representative.

### Summary of the Issues

12. The issue to be determined was whether the Property meets the repairing standard as set out in Section 13 of the Act and whether the Landlord had complied with the duty imposed on them by Section 14(1)(b).

### Findings in Fact

13. Tribunal made the following findings in fact:
  - 13.1 The tenancy is a tenancy of a house let for human habitation, which does not fall within the exceptions set out in Section 12(1) of the Act. The provisions set out in Chapter 4 of the Act therefore apply.
  - 13.2 The Tribunal in its inspection carefully checked the items which were the subject of the application. Inside the Property the Tribunal observed the following:
    - 13.2.1 Smoke alarms were fitted in the hall and living room and are interlinked.

- 13.2.2 There is a heat detector in the kitchen.
- 13.2.3 The ceiling lights in the hall and bedroom are operational.
- 13.2.4 There is no evidence of mould or damp in the living room.

### Reasons for Decision

- 14. Following its inspection and the hearing, the Tribunal determined that the Property does meet the repairing standard as required by Section 13(1)(a),(c),(d)(f) and (h) of the Act.

### Decision

- 18. The Tribunal determined that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act, and in particular that the Landlord has ensured that the Property meets the repairing standard in that the Property is wind and watertight, the installations in the Property for the supply of electricity and space heating are in a reasonable state of repair and in proper working order; the appliances provided by the landlord are in a reasonable state of repair and in proper working order; the Property does have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property does have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health
- 19. The Tribunal will not make a repairing standard enforcement order.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (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.**

J Devine

**Legal Member  
2 October 2022**

Housing and Property Chamber  
First-tier Tribunal for Scotland



**Inspection Photograph Schedule**  
**160c Paisley Road, Renfrew**  
**PA4 8DA**

**Case Reference:** FTS/HPC/RT/23/2133

**Date of inspection:** 02/10/2023

**Time of inspection:** 10.00 am

**Weather conditions:** Dry and sunny

**Present:** Mrs Joan Devine – Legal Member  
Mr Nick Allan – Ordinary Member  
Mr Stewart Renton – Letting Agent  
Mr William Holmes – Renfrewshire Council



Photo 1 – Front elevation



Photo 2 – Dry walls and ceiling in Living Room



Photo 3 – Dry walls and ceiling in L/Room



Photo 4 – Smoke alarm in Living Room



Photo 5 – Smoke alarm in Hallway



Photo 6 – Heat sensor in Kitchen

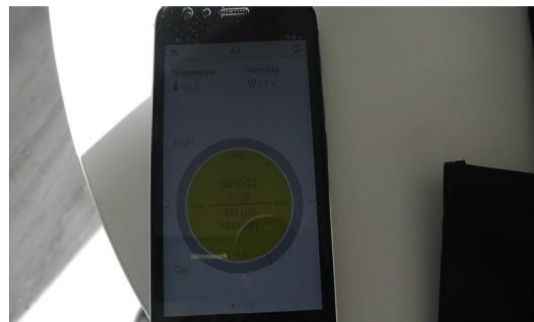


Photo 7 – Air quality reading in Living Room



Photo 8 – Parapet wall and flashing repair detail

### **Inspection notes**

1. The Tribunal noted the presence of smoke alarms in the Living room and Hallway, together with a Heat sensor in the Kitchen.
2. The Tribunal tested these devices and noted that they were functioning correctly, and were interconnected.

Nick Allan FRICS  
Surveyor – Ordinary Member  
First-tier Tribunal for Scotland  
Housing and Property Chamber – 2<sup>nd</sup> October 2023