

# 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 First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24(1) of the Housing (Scotland) Act 2006

Chamber Ref: **FDS/HPC/RT/23/2304**

Land Register Title Number: GLA7610

Re Property at Flat 2/2, 15 Harley Street, Glasgow G51 1AH ("the Property")

The Parties: -

1. Glasgow City Council, per their employee, Ms. Janice Carey NRS- Private Housing Team, Exchange House, 231 George Street, Glasgow, as third-party applicant in terms of section 22(1A) of the Act ("the Third Party Applicant") and
2. Abraham Andleap Limited, a company incorporated under the Companies Acts (Company Number SC692675) and having their Registered Office at Radleigh House, 1 Golf Road, Clarkston, Glasgow G76 7HU ("the Landlord")

### 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. Kingsley Bruce, Ordinary Member (Surveyor)

### Background

1. By an application dated 13<sup>th</sup> July 2023 the Third-Party 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 application referenced a letter, issued by the Third Party Applicant to the Landlord dated 11<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 as the following work needed to be carried out at the Property (in summary): -
    - a) The front door of the Property is not secure and needs to be repaired or replaced.
    - b) Pest control is required to eradicate the presence of mice in the kitchen.
    - c) The hot tap in the bathroom is not working properly and requires to be repaired.
    - d) The flooring in the bathroom requires to be sealed and secured at the bottom of the bath panel.
    - e) The bathroom door requires to be repaired or replaced.
    - f) The bedroom window is not working properly and requires to be repaired or replaced.
    - g) The kitchen windows have gaps and cracks at the side and require to be repaired or replaced.
    - h) The Kitchen cupboards and sink cupboards require to be repaired or replaced.
    - i) There are not sufficient cupboards/work surfaces in the kitchen.
  3. The Application was accepted by the Chamber President on 9<sup>th</sup> August 2023 and was referred for this Tribunal's consideration.

### **Hearing and Inspection**

4. The tribunal inspected the Property on the morning of 23<sup>rd</sup> May 2024. The Third Party Applicant was not represented at the inspection. The Landlord was represented at the inspection by Mr Naveed Ahmad. The Tenant of the Property was also present during the inspection. She is not a participating party in the application.
5. By the date of the Tribunal's inspection of the Property the Landlord had instructed repair works to be carried out to the Property. The Tribunal noted, in particular, that the bathroom and kitchen area of the Property had been recently upgraded. New windows and doors had also recently been installed.
6. Photographs were taken by the tribunal during the inspection. Copies of the photographs are attached as a schedule to this statement of decision.

7. At the inspection of the Property the Tribunal had noted that (by reference to the list of complaints raise by the third party applicant): -
  - a. The front has been replaced. It is in good condition and is secure.
  - b. There was no evidence of the presence of mice in the kitchen.
  - c. The bathroom has recently been upgraded and the hot tap in the bathroom is in proper working order.
  - d. The flooring in the bathroom is in good condition.
  - e. The bathroom door is in good condition.
  - f. The bedroom window has recently been replaced and is in good condition and in proper working order.
  - g. The kitchen window has recently been replaced and is in good condition and in proper working order.
  - h. The Kitchen cupboards and sink cupboards have been upgraded and are in a good condition.
  - i. There are sufficient cupboards/work surfaces in the kitchen.
8. A hearing had been arranged to take place after the inspection of the Property at 11.45 on 17<sup>th</sup> May 2024 at Glasgow Tribunal Center, 20 York Street Glasgow. The Landlords representative attended the hearing. The Third party Applicant was not represented at the hearing.
9. At the hearing the Tribunal confirmed that they were satisfied, from their observations at the inspection of the Property, that the Property met the Repairing Standard.

### **Findings in Fact**

10. The Tribunal find the following facts to be established: -
  - a. The Landlord has carried out work to repair all the issues identified by the third party applicant in their letter to the Landlord dated 11<sup>th</sup> May 2023.
  - b. The Landlord has complied with the duty under Section 14(1) of the Act to ensure that the Property meets the Repairing Standard.

### **Reasons for the Decision**

11. The tribunal noted that the Landlords have carried out works to the Property since the date of the application. The works carried out by the Landlord had addressed the issues raised by the Third-Party Applicant in their application.
12. 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.

**A Cowan**

Signature:

Chairperson: Andrew Cowan

Date: 23<sup>rd</sup> May 2024

Schedule of photographs  
Flat 2/2, 15 Harley Street, Glasgow

23 May 2024

Street elevation



Bathroom





Electrical consumer unit



Window





Bathroom door



Kitchen area





Gas Boiler



Flat entrance door

