

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

Case reference FTS/HPC/RT/25/0915

Case reference FTS/HPC/RT/24/4991

Parties

Mr Jay Korankye (the former Applicant)

Miss Ashley Jane Martin (Respondent)

12 Lintwhite Court, Bridge Of Weir, PA11 3NW (House)

Land Register Title number REN72180

Tribunal members

James Bauld (Legal Member) and Kingsley Bruce (Ordinary Member)

Background

1. By application initially lodged on 30 October 2024, the former applicant as the then tenant made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that they believed that the respondent who is the landlord was failing to comply with the duty imposed on her by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as "the 2006 Act"). They complained that the property did not meet the repairing standard set out in the 2006 Act.
2. In the application, they had raised a number of issues. The former applicant later included with the application a letter dated 21 November 2024 from an Environmental Health Officer at Renfrewshire council. That letter indicated that

the property had been inspected on 6 November 2024 and that at that time the property did not meet the tolerable standard or the repairing standard. In particular the letter indicated that the tenant had not been provided with an electrical safety certificate (or more accurately an Electrical Installation Condition Report (“EICR”)) for the property, and that there was no evidence that fire and smoke alarms met meet the necessary requirements.

3. The former applicant advised the tribunal that he had vacated the property on or around 7 January 2025 and that he believed the landlord intended to re-let it.
4. On 10 April 2025, the tribunal issued a Minute of Continuation indicating that the application should be continued to be determined as it had disclosed issues of health and safety which may cause difficulties to future tenants
5. On 8 May 2025 the tribunal determined that the application could be referred to the tribunal for determination.
6. An inspection and hearing were subsequently arranged to take place on 16 October 2025 and appropriate intimation of the time and date was sent to all parties.

The inspection

7. The tribunal members attended at the property on 16 October 2025 at 10.00 a.m. to carry out an inspection. Access could not be obtained. The tribunal members spoke with the current occupant who confirmed she was a tenant of the property and politely advised that she was not willing to allow the tribunal members access. She had no intimation that the inspection had been arranged. The tribunal members had no powers to force the current tenant to allow access.

The hearing

8. The hearing took place on 16 October 2025 at 11.45 a.m. at Glasgow Tribunal Centre.
9. At the Hearing the former applicant was not present. The landlord was not present.
10. The tribunal members considered the evidence contained within the case papers and noted that the landlord had provided no written representations disputing the allegations that the property did not meet the repairing standard.

Observations and findings in fact

11. The property is a ground floor flat in a purpose built, two storey flatted

block, which appears to be of traditional construction, approximately 40 years old.

12. The property is assumed to be occupied under and in terms of a private residential tenancy governed by the Private Housing (Tenancies) (Scotland) Act 2016 between the tenant and the respondent
13. The property requires to comply with the repairing standard as set out in the Housing (Scotland) Act 2006 as amended

Discussion and reasons for decision.

14. The tribunal carefully considered the evidence which had been obtained at the inspection and the information contained in the tribunal papers.
15. The tribunal has concluded that this property does not currently meet the repairing standard set out in the legislation. It requires a number of works to bring it up to standard. The Landlord has failed to provide evidence that she has complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006.
16. The tribunal accordingly is required to make a repairing standard enforcement order requiring the landlord to undertake a number of works.
17. The required works will be as follows
 - **To instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an Electrical Installation Condition Report (EICR) to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards**
 - **To provide Evidence of interlinked fire detection devices and a heat alarm in the house, for example an invoice for installation**
18. The appropriate repairing standard enforcement order is attached to this decision.

19. The decision of the tribunal is unanimous.

J Bauld

Signed

Date 21 October 2025