

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/RP/25/2815

Parties

Ms Megan Johnson (Applicant)

Ms Elizabeth Aribiyi (Respondent)

5A Ferguson Street Johnstone PA5 8SY (House)

Land Register Title number REN124504

Tribunal members

James Bauld (Legal Member) and Peter McEachran (Ordinary Member)

Background

1. By application initially lodged on 30 June 2025, the applicant made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that she 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”). The applicant complained that the property did not meet the repairing standard set out in the 2006 Act.
2. In the application, the applicant complained that the property had been flooded on 23 April 2025 and that significant damage had occurred to all carpets, flooring and underlay within the property and that she had been

unable to occupy the property since that date

3. On 18 August 2025 the tribunal determined that the application could be referred to the tribunal for determination.
4. An inspection and hearing were subsequently arranged to take place on 11 March 2026, and appropriate intimation of the time and date was sent to all parties. An inspection on an earlier date had been postponed as it was believed that access to the property would not be available to the tribunal.

The inspection

5. The tribunal members attended at the property on 11 March 2026 10.00 a.m. to carry out an inspection. Access was provided by a member of staff from Belvoir Letting Agents, Paisley who act for the landlord.

The hearing

6. The hearing took place on 11 March 2026 at 11.45 a.m. at Glasgow Tribunal Centre. The applicant was not present and had informed the tribunal in advance that she could not attend but wished the inspection and hearing to proceed. The tribunal waited until 12.10 p.m. to ascertain whether any party or representative would attend. The landlord was neither present nor respected.
7. The tribunal members thereafter proceeded to consider the application and the evidence obtained at the Inspection.

Observations and findings in fact

8. The property comprises a ground floor flat in a 3-storey purpose built semi-detached building containing 6 flats.
9. The building is located in an established residential area comprising a mix of privately owned and social housing.
10. The building is of traditional cavity brick to rough cast construction with a synthetic stone front elevation.
11. The roof is of pitched design clad in concrete tiles and flooring is concrete.

12. The accommodation all on the ground floor comprises:- Hall, living room, kitchen, 2 bedrooms, bathroom.
13. Mains gas, water and electricity are installed and there is mains drainage. A gas fired central heating system is installed with a combi boiler located in the kitchen.
14. The property is occupied under and in terms of a private residential tenancy governed by the Private Housing (Tenancies) (Scotland) Act 2016 between the applicant and the respondent which commenced on 18 February 2022.
15. The property requires to comply with the repairing standard as set out in the Housing (Scotland) Act 2006 as amended.
16. At the date of the inspection the property complied with the repairing standard

Discussion and reasons for decision.

17. The tribunal carefully considered the evidence which had been obtained at the inspection, the information contained in the tribunal papers and the evidence given by the representatives at the hearing.
18. The tribunal has concluded that this property currently meets the repairing standard set out in the legislation. It was clear that works had been carried out to deal with any damage cause by the flooding in April 2025. The property has been fully carpeted and floor coverings in the kitchen and bathroom reinstated. At the inspection moisture meter readings were taken at random throughout the property and no evidence of any dampness was recorded.
19. The Landlord has complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006.
20. The tribunal accordingly is not required to make a repairing standard enforcement order requiring the landlord to undertake any works.
21. The application is dismissed
22. The decision of the tribunal is unanimous.
23. The tribunal notes that it has received correspondence from both parties prior to the inspection relating to the ongoing status of the tenancy. This tribunal has no jurisdiction in this application to determine whether the tenancy granted to the applicant continues to exist. That is a matter for the parties and if necessary for another tribunal to determine if any other application is raised by either party.

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

Signed **J Bauld**

Date 11 March 2026