



First-tier Tribunal for Scotland (Housing and Property Chamber)

Tribunal Decision and Statement of Reasons under the Housing (Scotland) Act 2006 section 24.

Reference number: FTS/HPC/RP/25/3104

Re: Property at 119a Graham Street Airdrie ML6 6DE (“the Property”) being the subjects registered in the Land Register under title number LAN114127.

The Party:

Ms Jacqueline McNamee (“the landlord”)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) having made such inquiries as are fit for the purpose 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 had failed to comply with the duty imposed by section 14(1)(b) of the Act, and accordingly made a Repairing Standard Enforcement Order (‘RSEO’) as set out in the RSEO dated 14 August 2026 and issued with this written decision.

2. The decision was unanimous.

3. The tribunal consisted of Mrs Lesley Ward, Chairing and Legal Member. Ms Carol Jones, Ordinary Member (Surveyor).

Background

4. On 5 July 2025 a tenant Lauren Carter (‘the tenant’) made this application to the tribunal. The application identifies numerous areas in which the property is alleged to fail to meet the repairing standard as set out in Section 13(1) (a),(b),(c),(d),(h),(j),and (k) of the Housing (Scotland) Act 2006 (the Act), including damp; mould; damage caused by various leaks; internal cracking; failed double glazed windows; holes and gaps in external masonry; damaged/slipping roof tiles; damaged external steps; problems with nesting pigeons; issues relating to the electrical installation; supply of hot water; heating system; and fire/smoke and carbon monoxide alarms. The tenant received a notice to leave on 10 July 2025 on the basis that the landlord wished to sell the property. In March 2026 the tribunal became aware that the tenant had left the

property. The tribunal decided that the application should be determined in public interest grounds due to the nature of the alleged outstanding repairs which raise health and safety concerns for any future tenants.

5. The Tribunal decided to issue a minute of continuation of the application given the tenant had left the property. That minute was intimated on the landlord by recorded delivery on 19 March 2026. It clearly set out the reasons for continuing the application. It also reiterated that there was an inspection and hearing arranged for 11 May 2026.

6. The landlord did not attend the inspection on 11 May 2026 and the tribunal was unable to gain access. The Landlord was aware of the inspection and hearing as she contacted the Tribunal Administration on 10 March 2026 stating:

Thank you for arranging an inspection of my property in Airdrie on 11 May 2026 at 10:00. As this tenant is no longer living in this property and all maintenance has been inspected and repairs carried out where deemed necessary. Works that could not be carried out when the tenant was living there as she would not allow us access. She left the property without notice in a state of disarray and unlocked. Can you please advise the purpose of the inspection.

6. The tribunal adjourned consideration of the application and issued the following directions to the Landlord on 12 May 2026:

Directions

The landlord is required to provide the following:

1. Evidence that she has carried out works to the property to ensure that it complies with the repairing standard specifically:
 - (1) A current Electrical Installation Condition Report (EICR) for the property from a SELECT, NICEIC or NAPIT accredited electrician containing no category C1 or C2 items of disrepair, which also confirms that smoke and heat detectors have been installed at the property in accordance with Scottish Government Guidance.
 - (2) If there is a gas supply to the property, a current Gas Safety Record from a Gas Safe registered engineer which refers to the provision of carbon monoxide detection.
 - (3) Evidence of all repairs referred to in the email sent by the Landlord to the Tribunal on 10 March 2026.
2. If the landlord is no longer the owner of the property she should provide evidence of this in the form of a concluded contract for the sale and a letter from her solicitor confirming the date of sale and transfer of ownership to a third party.

The said documentation should be lodged with the Chamber no later than close of business on 11 June 2026.

7. In response to the directions, the landlord emailed the tribunal on 11 June 2026. She sent an Electrical Installation Condition Report (EICR) for the property dated 16 August 2024. She stated the following:

I am writing in response to request for evidence of works required at the above property.

(1) A current Electrical Installation Condition Report (EICR) for the property from a SELECT, NICEIC or NAPIT accredited electrician containing no category C1 or C2 items of disrepair, which also confirms that smoke and heat detectors have been installed at the property in accordance with Scottish Government Guidance. Please see attached certificate.

(2) If there is a gas supply to the property, a current Gas Safety Record from a Gas Safe registered engineer which refers to the provision of carbon monoxide detection. No gas in the property.

(3) Evidence of all repairs referred to in the email sent by the Landlord to the Tribunal on 10 March 2026.

- Leak has been resolved by having roof tiles put back in place.
- Water marks and damp patch have been removed and redecorated.
- Water pressure in the upstairs bathroom is normal
- Gap in masonry has been filled.
- Pigeons under stairs have been removed and netting reinstated.
- Replacement sealed units have been ordered and awaiting installation. Please let me know if there is anything further I need to provide to meet your satisfaction. Kind regards, Jacqueline McNamee

8. No further documentation was provided and the tribunal decided to proceed with the inspection and hearing arranged for 6 August 2026.

9. The landlord was sent the hearing notification letter by email and by recorded delivery on 25 June 2026. The recorded delivery letter was signed for by 'McNamee' on 26 June 2026. The tribunal administration sent further reminder emails to the landlord on 5 and 6 August 2026.

Inspection

10. The tribunal attended at the property to carry out the inspection on 6 August 2026 at 9.45 am. The tribunal members waited until 10.20 am but were unable to gain access as the landlord did not attend. The tribunal took photographs of the front and rear of the property, and they are in the schedule attached to this decision.

Hearing

11. The landlord did not attend the hearing arranged for 6 August 2026 at 12.15 pm.

The tribunal was satisfied that the landlord was aware of the hearing and had received the appropriate notification and decided to proceed with the hearing in her absence.

12. Findings in fact

- The landlord is the owner of the property.
- The landlord was previously the registered landlord for the property.
- The landlord is no longer the registered landlord of the property.
- The landlord let the property to the tenant from 2 September 2024 until around March 2026 when the tenant left the property and the tenancy came to an end.
- On 2 December 2024 the tenant contacted the landlord's letting agent Smart Move Estate Agents to complain about the condition of the property.
- She identified issues with condensation, mould, lack of water pressure and lack of insulation in the property.
- The response from the agent was that the landlord advised that she should give notice and move out of the property if she was not happy.
- The tenant sent a further email to the agents on 10 June 2025 referring to a letter she had received relation to upcoming communal roof repairs and stating that there were unresolved issues with the property including persistent mould and dampness; water marks in the ceiling; low water pressure in the upstairs bathroom; failed or broken windows; holes and gaps in the masonry; pigeons roosting in the under-stairs area, resulting in large amount of bird droppings.
- The tenant contacted the Environmental Health Department at North Lanarkshire Council who inspected the property.
- The tenant received an email from Carole Ray of North Lanarkshire Council on 23 June 2025 which stated she had contacted the Landlord's agent and included the following points:
 1. *There is damp staining in the bathroom and elevated moisture readings on the external wall and sloped ceiling.*
 2. *There is dampness on the bathroom floor underneath the lino, in the corner to the right of the doorway.*
 3. *There is a damp staining on the back bedroom ceiling and external wall on the lower floor.*
 4. *There is a damp patch and elevated moisture readings on the ceiling in the entrance vestibule.*
 5. *Two glazed units in the front bedroom on the upper floor have condensation in between the glass panes, indicating that the units are no longer sealed.*
 6. *There is a damaged electrical socket in the front bedroom on the upper floor.*
 7. *The tenant reports that the property is often cold and difficult to heat. I would recommend that you consult the Repairing Standard Guidance and ensure that the fixed heating system is sufficient.*
 8. *The hot water pressure at outlets in the bathroom appears to be low.*
 9. *There are some cracks on walls in the front bedroom on the upper floor.*
 10. *Externally there are some holes/gaps in masonry.*
 11. *There are damaged roof tiles and some tiles appear to be slipping.*
 12. *One of the steps is damaged on the staircase leading up to the communal grounds at the rear. The tenant reports that the stairs are often slippery and she*

has fallen on these.

13. The tenant reports that pigeons are nesting underneath the staircase leading up to the front entrance of the property. Proofing works (netting) is coming away at the sides and should be renewed. Additional proofing works may also be required.

- Carole Ray also stated in her email that she had asked the landlord's agent for the current safety certificates for the property and asked if there are any portable appliances in the property belonging to the Landlord.
- The tenant made an application to the tribunal on 5 July 2025 on the basis of all of the matters identified by Carole Ray of North Lanarkshire Council.
- The application was accepted on 21 August 2025.
- The landlord issued the tenant with a notice to leave on 10 July 2025 on the basis that she wished to sell the property.
- The tenant left the property in March 2026.
- The landlord has provided a copy of an EICR for the property dated 16 August 2024.
- The report has been carried out by a Select Accredited Electrician and the report does not identify any category C1 or C2 items requiring repair.
- The EICR does not provide any information regarding heat or smoke alarms and no Portable Appliance Test certificate is attached (PAT).
- The landlord in her email to the tribunal of 11 June 2026 states that there is no gas in the property and that all of the repairs referred to in the application have been carried out with the exception of the double glazing but the units are on order.
- No further evidence has been submitted by the landlord and access to allow the tribunal to inspect the property has not been provided.
- The following repairs are outstanding for the property:

There is damp staining in the upper floor bathroom and the ceiling is damaged by water ingress.

There is dampness on the bathroom floor underneath the lino, in the corner.

There is a damp staining on the back bedroom ceiling and external wall on the lower floor.

There is a damp patch in the entrance vestibule ceiling.

Two glazed units in the front bedroom on the upper floor have condensation in between the glass panes, indicating that the seals in the units have failed.

The hot water pressure at outlets in the bathroom is low.

There are some cracks on walls in the front bedroom on the upper floor.

Externally there are some holes/gaps in masonry.

There are damaged roof tiles and some tiles appear to be slipping.

One of the steps is damaged on the staircase leading up to the communal grounds at the rear. The tenant reports that the stairs are often slippery and she has fallen on these.

Pigeons are nesting underneath the staircase leading up to the front entrance of the property. Proofing works (netting) is coming away at the sides and should be renewed.

There are no heat or smoke alarms in the property.

Reasons

14. Section 14(1) of the 2006 Act provides:

“The landlord in a tenancy must ensure that the house meets the repairing standard – (a) at the start of the tenancy, and (b) at all times during the tenancy.” In terms of Section 14(3) of the 2006 Act “The duty imposed by subsection (1)(b) applies only where – (a) the tenant notifies the landlord, or (b) the landlord otherwise becomes aware, that work requires to be carried out for the purposes of complying with it”. Section 22(3) of the 2006 Act states that an application can only be made if the person making the application has notified the landlord that work requires to be carried out for the purpose of complying with the repairing standard. The tribunal was satisfied that the tenant had notified the Landlord.

15. The landlord in her email of 11 June 2026 has provided the EICR requested by the tribunal in the directions of 12 May 2026, so the tribunal did not consider it was necessary to make any order in relation to the electrical matter regarding the damaged socket in the front bedroom raised by the tenant. The tribunal has been unable to inspect the inside of the property as the landlord has failed to allow access on two occasions. Carole Ray of North Lanarkshire Council inspected the property in June 2025 and she provided a report to the tenant on 10 June 2025. Her report covers all of the matters raised by the tenant in her application with the exception of smoke and heat alarms.

16. The tribunal was satisfied on the balance of probability that the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act and decided to make a Repairing Standard Enforcement Order.

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 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.

LESLEY WARD

Lesley A Ward

Chairperson of the tribunal

Dated: 14 August 2026

Housing and Property Chamber

First-tier Tribunal for Scotland



Schedule of photographs taken during the inspection (external only) of 119a Graham Street, Airdrie ML6 6DE by the First-tier Tribunal for Scotland (Housing and Property Chamber) on Thursday 6 August 2026

Reference Number : FTS/HPC/RP/25/3104



Front Elevation



Common entrance door to pend accessing backcourt and subject property



Front elevation - general deterioration to external building fabric



Front elevation - showing first floor window/ surrounding masonry - erosion to sill, cracks, water damage to upper stonework



Front elevation - view of ground floor shop unit below subject property - paint peeling/exposed stonework and defective cast iron downpipe



Rear view showing metal security fencing/no access gate



View of rear elevation and roof



Rear elevation - view of roof to adjoining flat (119b) and gable wall



Rear elevation and pitched tiled roof/dormer windows and outbuilding



Rear elevation - roughcast spalling around dormer window



Rear elevation - roughcast spalling to wall on back projection adjacent to front door of flat 119a



Rear elevation - common access steps leading to landing on back projection with front door of 119a on right side



Rear elevation - showing common access steps and backcourt area - brickwork requires pointing, vegetation growth and bottom step damaged