

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 22(1) of the Housing
(Scotland) Act 2006**

Chamber Ref: FTS/HPC/RP/25/0381

Re: 6B Naylor Lane, Airdrie, North Lanarkshire, ML6 6BA (“the Property”)

Parties:

Miss Kim Hunter, residing at 6B Naylor Lane, Airdrie, North Lanarkshire, ML6 6BA (“the Applicant”)

Mrs Naheed Rashid, residing at 4F Naylor Lane, Airdrie, North Lanarkshire, ML6 6BA (“the Respondent”)

Tribunal Members:

Mr Andrew Upton (Legal Member) and Mr Kingsley Bruce (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent has failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 and made a Repairing Standards Enforcement Order.

Statement of Reasons

1. This Application called for a Property Inspection and Hearing on 6 July 2026. The Applicant was present for both the Inspection and the Hearing. She was supported at both by her daughter and son. The Respondent was present at both the Inspection and the Hearing. She was supported at both by Mrs Shahid of Amarco Estates Limited. She was also supported at the Hearing by Mr Asif.
2. In this Application the Applicant contends that the Respondent has failed to comply with her duty under section 14(1)(b) of the Housing (Scotland) Act 2006 (“the 2006 Act”), which is to say the duty to ensure that the Property meets the repairing standard at all times during the tenancy. In particular, the Applicant asserts at part 9 of the Application that:-

- i. The Property is not wind and watertight and in all other respects reasonably fit for human habitation;
 - ii. The installations in the house for the supply of electricity and for sanitation, space heating by a fixed heating system and heating water are not in a reasonable state of repair and in proper working order;
 - iii. Fixtures, fitting and appliances provided by the landlord under the tenancy are not in a reasonable state of repair and in proper working order; and
 - iv. Common doors are not secure and fitted with satisfactory emergency exit locks.
3. At part 8 of the Application the Applicant provides some further detail about the specific issues she claims to be experiencing. They can be summarised as follows:-
 - a. The heating system is insufficient, with heaters being broken or causing a burning smell;
 - b. The kitchen sink is leaking;
 - c. There is no RCD protection on the electrical fuse board;
 - d. There are cracked window panes to the front and rear of the Property;
 - e. There are missing and defective handles on windows throughout the Property preventing windows from sealing against the elements;
 - f. The seal around the bath has perished;
 - g. The washbasin in the bathroom has cracked;
 - h. There is a constant flow of water from an overflow pipe at the rear of the Property; and
 - i. A draught comes through the front door.
4. The Tribunal benefitted from a Property Inspection immediately prior to the Hearing. During the Inspection the Tribunal noted several repairing issues at the Property which, although not the subject of this Application, appeared to potentially be in conflict with the repairing standard and which will require in some cases urgent attention. Those issues are noted within this note for the purposes of assisting the Parties.

The Heating and Electricity Issues

5. It is convenient to take the issues concerning electricity supply and heating together given that they are to some extent linked.
6. The most straightforward issue to address is the allegation that there is no RCD protected circuit on the electricity board. However, at the Inspection the Tribunal noted that there was RCD protection. It follows that the Tribunal did not uphold the Applicant's complaint in that regard.
7. The issues with the heating were that the electric storage heaters did not work. There is an electric room heater in the living room, understood to have been provided by the applicant. The Applicant advised that this had been plugged into a socket next to the fireplace, but that it had on one occasion 'blown out of

the socket'. The plug facing had been scorched. An electrician attended and advised her that the socket had not been earthed.

8. During the Inspection the Tribunal noted a number of electrical concerns with the electric storage heaters. They did not appear to be working, and the Tribunal did not have a report to suggest that they were. Most of them appeared to be plugged into sockets rather than wired into the mains, which would not be compliant with current safety regulations. The Tribunal noted that the electric immersion heater in the hot water tank was also plugged into a socket rather than hard wired into the mains, which is also a safety concern. The condition of the insulation on the wiring for the electric immersion heater was also of some concern.
9. The Respondent, to her credit, did not dispute that the heating system was inoperative. She expressed a willingness to attend to any issues identified by the Tribunal. She had recently instructed Mrs Shahid to assist her and it was expected that issues would be attended to quickly.
10. In the circumstances, the Tribunal considered that the installations for electricity and space heating were not in a reasonable state of repair or in proper working order. The Tribunal therefore determined that the Respondent had failed to comply with her section 14(1)(b) duty.
11. The Tribunal will therefore make a Repairing Standards Enforcement Order. The Tribunal will require the Respondent to:-

To instruct a suitably qualified electrical contractor who must be registered with SELECT, NICEIC or NAPIT, to carry out a full and thorough inspection of the entire electrical wiring, installations and apparatus throughout the Property, including earthing and equipotential bonding to all circuits/installations as appropriate and to repair or renew any parts which are identified in said report found to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and to provide an Electrical Installation Condition Report (EICR) to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards.

The entire heating installation to be inspected by said electrical contractor and any repair or replacement required, to ensure that the heating provision is fully operational, compliant with contemporary standards and meets the requirements of the Repairing Standard.

The Kitchen Sink

12. The kitchen sink is not leaking. The Tribunal considered that it was in a reasonable state of repair and did not make a Repairing Standard Enforcement Order in respect of it.

The Cracked Windows

13. There are two cracked window panes at the Property. The first is in the living room. The Applicant advised that she had caused this crack while trying to repair the handle on the window. The Tribunal determined that the Respondent was not liable for this repair, which had been caused by the Applicant. No Repairing Standards Enforcement Order was made in respect of it.
14. The second window was in a bedroom of the Property. This had been caused by workmen who had carried out external repairs to the Property. That is a repair for which the Respondent is responsible and for which she may have a remedy against the contractors who caused the damage. In the circumstances, the Tribunal was satisfied that the cracked bedroom window was not in a reasonable state of repair and that the Respondent had failed to comply with her section 14(1)(b) duty.
15. The Tribunal will therefore make a Repairing Standards Enforcement Order. The Tribunal will require the Respondent to **replace the cracked window pane in the bedroom.**

Window handles

16. The Tribunal noted that there were a number of handles on the windows which were mismatched, missing or missing their keepers. In all respects, the Tribunal determined that those windows lacked adequate mechanical means of securely closing the windows and making the Property wind and watertight.
17. That being the case, the Tribunal determined that the affected windows were not in a reasonable state of repair or in proper working order. The Respondent has failed to comply with her section 14(1)(b) duty.
18. The Tribunal will therefore make a Repairing Standards Enforcement Order. The Tribunal will require the Respondent to:-

Instruct a contractor to attend and to undertake such repairs/replacements as may be required to ensure that all moving parts are fully operational and in proper working order and that windows are wind and weathertight. To replace cracked/damaged sealed unit double glazed pane in the bedroom of the property.

The Bath Seal

19. The Tribunal heard evidence from both Miss Hunter and Mrs Shahid about a plumber having attended at the Property and carried out certain repairs. What is unclear is whether the plumber was tasked with replacing the seal around the bath.

20. What is entirely clear is that the seal has completely perished. It is providing no seal between the bath and the wall tiles. It requires to be replaced.
21. The Tribunal determined that the bath is not in a reasonable state of repair insofar as the sealant around the bath has perished. The Respondent has failed to comply with her section 14(1)(b) duty.
22. The Tribunal will therefore make a Repairing Standards Enforcement Order. The Tribunal will require the Respondent **to replace the sealant around the bath tub.**

The Wash Hand Basin in the bathroom

23. The wash hand basin in the bathroom has a substantial crack. Indeed, a section of the porcelain is missing completely.
24. The Applicant's position is that the basin cracked through ordinary wear and tear. That was reported to the Respondent but she did not attend to it. The Applicant then advised that her mobile phone slipped from the window ledge, landed in the basin and caused the damage that is now evident. Her position is that the damage would not have happened but for the crack being pre-existing.
25. The Tribunal rejected the Applicant's evidence. Put simply, the Tribunal did not accept that the circumstances described by the Applicant would have caused the damage that was evident. It seems clear that the basin has suffered significant impact damage. That is not to say that the damage was deliberately caused, but regardless of whether it was deliberate or accidental the Tribunal determined that it was caused by the Applicant.
26. The Tribunal will not make a Repairing Standards Enforcement Order in respect of the wash hand basin.

The Overflow

27. At the rear of the Property there is an overflow pipe leading through the rear elevation and discharging into the garden. There was a constant and significant flow of water during the inspection. The purpose of the overflow pipe is unknown. Neither of the Parties was able to say with confidence what the pipe was from, though the Applicant advised that a neighbouring property had had the same issue previously and it related to a toilet cistern.
28. Regardless, there ought not to be a constant or significant discharge of water from an overflow pipe. Whatever it serves is plainly not in a reasonable state of repair or in proper working order. The Respondent has failed to comply with her section 14(1)(b) duty.
29. The Tribunal will make a Repairing Standards Enforcement Order. The Tribunal will require the Respondent to instruct the preparation of a report by a skilled

contractor into the cause of the constant and significant discharge from the overflow and to undertake such repairs as are recommended in that report to remedy the issues.

30. As an observation, the Tribunal noted that there is a large hole in the rear elevation of the Property through which the overflow pipe exits. Whilst not of itself a subject of this Application, the Tribunal is concerned that the hole will affect the thermal performance of the Property, its wind and watertightness and the ability of vermin to gain access to the Property. The Tribunal hopes that this issue will also be addressed by the Respondent when addressing the issues with the overflow pipe.

The Front Door

31. The Applicant's evidence was that the front door was draughty, particularly in the winter.
32. Having inspected the door, the Tribunal found it to be fit for purpose and in a reasonable state of repair. The Tribunal noted that there was adequate draught excluding strips on the door.
33. The Tribunal will not make a Repairing Standards Enforcement Order in respect of the front door.

Time for Compliance

34. The Tribunal will allow the Respondent a period of 12 weeks to comply with the Repairing Standards 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.

A.Upton
Legal Member/Chair

04 August 2026
Date