

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision in respect of Application under s22(1) of Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/17/0379

Title no KRK3692

**4 Barcloy Mill, Rockcliffe, Dalbeattie, DG5 4QL
("The Property")**

The Parties:-

Mrs Ann Marie Douglas, 19 Stray Road, Hewarth, York, YO31 0NE ("The Landlord")

Tribunal Members – Lesley Dowdalls (Legal Member) and Donald Wooley (Ordinary Member)

Tribunal Clerk – Molly Bell

Former Party:

**Miss Auriol Hodgson, formerly 4 Barcloy Mill, Rockcliffe, Dalbeattie, DG5 4QL
("The Former Tenant")**

On 12th February 2018, the tribunal made an interim decision following an inspection of the property on 7th February 2018. The tribunal also directed the Landlord, within 14 days of receipt of the direction contained within that decision, to produce to the tribunal an up to date electrical installation condition report (EICR). The tribunal wished to be satisfied that the issues identified in EICR dated 5th June 2013, in section(k) observations, which had been provided with the classification code of C2 had been addressed and that the electrical installations within the property meet the required standard.

By email dated 7th March 2018, the Landlord has provided an electrical installation condition report. Said report contains a new classification F1 which recommends further investigation in respect of defective under unit lights. There is no suggestion however that said lights are dangerous. Accordingly, the tribunal finds that the Landlord has complied with the tribunal's direction, and the EICR provided being satisfactory to the tribunal, no repairing standard enforcement order is necessary,.

Accordingly, the tribunal determines that the Landlord has not failed to comply with the duty imposed by Section14(1)(b) of the Housing (Scotland) Act 2006.

A landlord, tenant or third-party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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.

In witness whereof, these presents type written on this and the preceding page(s) are executed by Lesley Dowdalls, solicitor, 23 The Foregate, Kilmarlock, chairperson of the tribunal at Kilmarlock on 16th March 2018 before this witness: -

M Telfer

Witness

Lesley Dowdalls

Chairperson

Madeleine Telfer _____ name in full

23 The Foregate Address

Kilmarlock