

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under the Section 24 of the Housing (Scotland) Act 2006**

**Chamber Ref:** FTS/HPC/RP/21/2663

**Property Address:** 30 Belford Road, Edinburgh EH4 3BP (“the property”)

**The Parties:** Mrs Kirsty McGregor, 30 Belford Road, Edinburgh EH4 3BP  
 (“the respondent”)

#### **Tribunal Member:**

Mr Mark Thorley (Legal)  
Mr Greig Adams (Ordinary)

#### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) having made such enquiries as is fit for the purpose of determining whether the respondent has complied with the duties imposed upon them at section 14(1)(b) of the Act in relation to the property concerned, and taking account of the evidence presented in the written and oral representations and following upon the inspection, determined that the respondent has complied with the duties imposed by section 14(1)(b) of the Housing (Scotland) Act 2006.

#### **Background**

1. An application was received by the tribunal on 27 October 2021 from the then tenant.
2. The application was accompanied by a blank copy of the Private Residential Tenancy Agreement together also with additional email correspondence and photographs.
3. In summary the documentation indicated –
  - (i) There was damp on the back bedroom wall.

4. The application was acknowledged on 27 October 2021. The then applicant intimated on 8 November 2021 that she had terminated the rental agreement.
5. On 12 November 2021 a determination was made that the case would proceed to a case management hearing.
6. An inspection was initially assigned for 18 January 2022 with a case management discussion on 25 January 2022. Those dates were subsequently amended and an inspection took place on 3 February 2022 at 10 am and the case management discussion on 10 February 2022 at 10 am.
7. Prior to the inspection the respondent had provided written representations together also with an assessment report by Damp Doctors Scotland Ltd following upon an inspection on 10 December 2021.
8. The tribunal inspected the property on Thursday 3 February 2022 at 10 am. The weather was dry and sunny.
  - (a) Back bedroom – there was no evidence of any “mould” or dampness within the bedroom.

On the teleconference the following persons attended:

- (i) Mrs Kirsty McGregor (respondent)
9. The ordinary member narrated the findings of the inspection.
10. The ordinary member confirmed that the property is in good order. It is well presented, clean and not damp.

### **Findings in Fact**

The tribunal made the following findings in fact -

11. That the property is a basement flat in a block of six properties in the Dean Village area of Edinburgh. The property consists of two bedrooms, kitchen, livingroom and bathroom.
12. The property is well maintained.
13. There is no dampness present within the property and in particular the back bedroom referred to.

### **Reasons for decision**

14. In considering the repairing standard the tribunal carried out an internal inspection of the property. This inspection confirmed there was no dampness within the property and in particular the back bedroom. In addition the tribunal considered the written documentation provided by the respondent.

15. The property is currently not tenanted. It is in a good state of repair. The property is about to be advertised for sale.

### **Decision**

16. The tribunal having considered the terms of section 13(3) of the Act determined that the respondent has complied with the duty imposed by section 14(1)(b) of the Act.

### **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.**

**M Thorley**

**Legal Member:**

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