

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Ref: FTS/HPC/RP/18/0924

Property: 3 The Village, Coulter, Biggar, ML12 6PX ("**the property**")

The Parties:-

Karen Skinner, formerly residing at 3 The Village, Coulter, Biggar, ML12 6PX ("the former tenant")
and

Johnathan McCosh, Culter Allers, South Lanarkshire, Coulter, ML12 6PZ ("the Landlord")

Tribunal Members:-

Mr James Bauld – Legal Member

Mr Andrew Taylor – Ordinary Member

Background

1. An Application was made to the First-tier Tribunal on 24 April 2018 by the now former Tenant alleging that the Landlord was failing to comply with the repairing standard in terms of the Housing (Scotland) Act 2006.
2. After sundry procedure and consideration by the Tribunal a Minute of Continuation was issued by the Tribunal noting that the Tenant intended to remove from the Property but directing that the Landlord should produce certain documentation to the Tribunal namely an Electrical Installation Condition Report.
3. By email dated 27 August 2018, the Landlord sent to the Tribunal a copy of the Electrical Installation Condition Report in respect of the Property. The Report was satisfactory and demonstrated that the Property met the requirements in terms of the relevant provisions of the repairing standard which relate to the electrical installations within a Property.

4. The Tribunal considered the evidence provided by the Landlord determined that the Property complied with the repairing standard as set out in the Housing (Scotland) Act 2006. Accordingly, in terms of Section 24 the Tribunal directs that no repairing standard enforcement order requires to be made nor should be made.
5. The Tribunal accordingly directs this Application is concluded and the Decision of the Tribunal is unanimous.

Right of Appeal


1. In terms of section 46 of the Tribunals (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.
2. 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.

J Bauld

Signed
James Bauld, Chairperson

Date 12 February 2019

J Glasgow

.....Witness

JENNIFER GLASGOW
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