

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision under Rule 17 of The First-tier Tribunal for Scotland Chamber Rules of Procedure 2017 as amended

Chamber Ref: FTS/HPC/RP/20/0714

Property Address: 9 Invergarry Park, St Cyrus, by Montrose, Angus DD10 0BU
("the property")

The Parties: Mr Nick Walker and Mr Robert Walker (the "Respondents")

Tribunal Member:

Mark Thorley (Chairman)
Mr Mark Andrew (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determine that the application be dismissed.

1. By application dated 13 February 2020 the applicant applied to the First-tier Tribunal for Scotland. Accompanying the application was a series of emails and photographs.
2. The application was accepted on 18 August 2020. The respondents provided a written response to the case. It was acknowledged that the applicants had left the property by 20 February 2020 and that the property has subsequently been re-let.
3. A case management hearing was held on 21 January 2021. At that time the case management hearing was adjourned to allow for the production of certain certificates and in addition to provide confirmation that the property had been repaired.

Case Management Discussion

4. A further case management discussion took place on 22 February 2021. Both respondents were present. There was no other appearance.
5. The tribunal explained that under normal circumstances the tribunal would arrange for the ordinary member to carry out an inspection but this has not been possible.
6. It was noted that an Electrical Installation Condition Report had been lodged together with Legionella Certificate. A further email had been received from the letting agents confirming that in 2020 the property had been redecorated and carpeted throughout and the tradesmen had carried out the necessary safety inspections and provided certificates required for rental properties. The property was in good order throughout.

Findings in Fact

7. From the application and the case management discussion the tribunal found the following facts to be established:-
 - (i) There was a Tenancy Agreement between the then tenants and the landlords.
 - (ii) In respect of the then tenants' complaints in relation to the condition of the property all certificates had been produced and it had been established that the property was in a good order.

Decision and Reasons for Decision

8. Having found sufficient evidence in the matters complained of and the application being remedied to a reasonable standard the tribunal thereafter dismissed the application

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

Signed: M Thorley

Date: 1 March 2021

M Thorley

Legal Member: