



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

Note of Hearing and Tribunal Decision: The First-tier Tribunal for Scotland Chamber Rules of Procedure 2017 as amended

Chamber Ref: FTS/HPC/20/1897

29/2 Prestonfield Terrace, Edinburgh, EH16 5EE (“the Property”)

The Parties:-

Mr Botond Gemesi, formerly residing at the Property (“the Tenant”)

Mr Paolo Pironi, 69 Carnbee Park, Edinburgh, EH16 6GG (“the Landlord”)

Tribunal Members:

**Maurice O’Carroll, Legal Member and Chairman
Andrew McFarlane, Ordinary Member**

Background

1. A case management discussion (“CMD”) was held on 18 January 2021 at which the Landlord and Chairman were present. Details of the background to the CMD are contained in a note of CMD produced on the same date.
2. On the same date as the CMD, the Chairman also issued a Direction requiring evidence of repairs having been undertaken in order to demonstrate that the Property met the Repairing Standard. The date for compliance with the Direction was one month from the date of issue.
3. On 18 February 2021, the Landlord sent information to the Tribunal further to the Direction. The response was received timeously.
4. In order to ascertain whether the evidence provided demonstrated that the Property met the Repairing Standard, the Tribunal also appointed the Ordinary Member who is a surveyor. Both the Ordinary Member and the Chairman considered the documentation provided by the Landlord.

5. A hearing was convened on 12 March 2021 at 10am by means of a telephone conference at which the Landlord, the Chairman and the Ordinary Member were present.

Summary of discussion

6. The Chairman explained that in ordinary circumstances, the application would result in an inspection of the Property. If the Property were found to fall below the Repairing Standard then a Repairing Standard Enforcement Order would be registered against the Property. The RSEO would normally provide the Landlord with a period of time to carry out necessary repairs. If appropriate, a Certificate of Compliance would then be registered against the Property in the Land Register following repairs and a re-inspection.
7. However, in the present circumstances, with the Tenant having left the Property and there being restrictions on inspections due to the Covid pandemic, it had been decided by the Chairman to issue a Direction aimed at achieving the same aim without the need for physical inspection and an adverse registration against the Property.
8. Having viewed the documentation provided by the Landlord in response to the Direction, the Chairman and the Ordinary Member were in unanimous agreement that its terms had been complied with in full. The Tribunal was further satisfied that in light of the satisfactory responses to the Direction, the Property now met the Repairing Standard.

Outcome

9. In light of the above, the Tribunal was satisfied that no further action was necessary on the part of the Landlord in respect of the application and that it could therefore be considered closed.

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.

M O'Carroll

Signed

Chairman

Date: 17 March 2021