

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/RP/21/2807

Property: Property at 3F2, 11 Moncrieff Terrace, Edinburgh EH9 1NB (“the Property”)

Parties: Ms Marta Martin Sanchez, 3F2, 11 Moncrieff Terrace, Edinburgh EH9 1NB
 (“the Applicant”)

and

Umega Lettings, 10 Lister Square, Edinburgh EH3 9GL (“the Respondents”)

Tribunal Members:

Mark Thorley (Legal Member)

Mr Greg Adams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having made such enquiries as is necessary for the purpose of determining whether the respondent has complied with the duties imposed upon them at Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the property concerned, taking account of the evidence presented and 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 Act.

Background

1. An application dated 11 November 2021 was sent to the Tribunal on 11 November 2021.
2. Accompanying papers were received namely a copy of the Private Residential Tenancy Agreement dated 17 September 2021.
3. In summary the documentation indicated that within the showerroom the following were required:-
 - (a) New light bulb
 - (b) New tap
 - (c) Fan to be fixed
 - (d) Mould to be removed.

4. The application was accepted on 15 December 2021. An inspection was scheduled for 11 February 2022.
5. Prior to then documentation was received from the respondent which included an invoice and photographs showing completion of the works.
6. The Tribunal inspected the property on Friday 11 February 2022 at 11.30am. The weather was dry and sunny. The Tribunal inspected the bathroom and established that there was –
 - (a) A new light.
 - (b) The fan had been fixed.
 - (c) The mould had been removed and the tiles within the shower grouted.
 - (d) The shower tap had been replaced.

Teleconference hearing – 11 February 2022

7. On the teleconference the following persons attended:
 - Mr Ben Hawkay (Umega Lettings)
8. The ordinary member narrated the findings in the inspection.
9. The ordinary member confirmed that the shower room is now in good working order.

Findings in Fact

10. That the property is a flat on the second floor in a tenement block in the Meadows area of Edinburgh.
11. That the property is well maintained.
12. That the shower room issues as referred to in the application have all been resolved.

Reasons for Decision

In considering the repairing standard the Tribunal carried out an internal inspection of the property. This inspection confirmed that the issues previously identified had been resolved. In addition the Tribunal considered the written documentation provided by the respondent.

Decision

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.

Legal Member

Legal Member/Chair

Date 25 February 2022