



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

Statement of Decision under section 24(1) of the Housing (Scotland) Act 2006 (“the 2006 Act”)

Reference number: FTS/HPC/RP/20/1097

Re: Property at 17 Victoria Mews, Victoria Street, Perth, PH2 8LW (“the Property”)

The Parties:

Mr Albert Patterson, Mr Albert Patterson, c/o Elliot and Company, 8 Charlotte Street, Perth, PH1 5LL; Kirkton, St Cyrus, Montrose, Angus, DD10 0BW (“the Landlord”)

Tribunal Member:

Gabrielle Miller (Chair and Legal member)
Donald Wooley (Ordinary member and surveyor)

Decision

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) in relation to the Property, determined that the Landlord had complied with the duty imposed by Section 14(1)(b) of the Act.**

Background

- 1. An application was made to the First-tier Tribunal for Scotland under section 22 of the Housing Scotland Act 2006 to determine if the Respondent had failed in their duty under section 14(1) of the Act to meet the Repairing Standard. The Application was dated 4th May 2020.**
- 2. The application by the Tenant stated that it was considered that the Landlord had failed to comply with his duty to ensure that the Property met the Repairing Standard. The application stated that the installations in the Property for the supply of water, gas, electricity and for sanitation, space heating and water were not in a reasonable state of repair and in proper working order and that any fixtures, fittings and**

appliance provide by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order. In particular, the complaints consisted of:-

- a) That the Landlord had refused to pay for pest control when there was a possible infestation of carpet beetles.
3. Under normal circumstances, the Tribunal would carry out an inspection of the Property. The purpose of the inspection is to ascertain the position as it relates to the application. The inspection is undertaken prior to a hearing to determine if the Property has breached the Repairing Standard.
4. Unfortunately, this has not been possible, due to the continuing effects of the COVID-19 pandemic. In the circumstances, a further CMD was arranged, in order to discuss further procedure in the case.
5. A CMD was held on 18th January 2021 at 10 am by teleconferencing. The Tenant, having left the Property, was no longer a party. The Landlord was not present but was represented by, Ms Hannah Kennedy, his solicitor.
6. At this CMD the Tribunal explained that there was insufficient independent evidence at this stage to make a decision. The Tribunal will issue a direction requiring the Respondent to provide a report by means of an independent suitably qualified pest control specialist. The CMD will be continued to another date to consider the new evidence arising from the direction.
7. The direction stated that a report by a suitably qualified pest control specialist confirming that the Property is entirely free from infestation and/or vermin which may be prejudicial to the health and safety of any residents in the Property was to be submitted by 16th February 2021.
8. On 15th February 2021 the Applicant's solicitor lodged a report from Rentokill covering points detailed in the direction. The report was dated 5th February 2021.

Case Management Discussion ("CMD")

9. A CMD was held on 11th March 2021 at 10 am by teleconferencing. The Tenant has left the Property and is no longer a party. The Landlord was not present but was represented by his representative, Ms Hannah Kennedy, solicitor.

10. The Tribunal was satisfied that the report from Rentokill had covered all the issues raised and that the Property met the repairing standard. The Tribunal required no further action to be taken.

Reasons for the decision

11. The Tribunal determined the application having regard to the terms of the application, the written representations received prior to the hearing, the specialist report and evidence from the Landlord's solicitor.

12. The Tribunal was satisfied having regard to all of the available evidence that there was sufficient information and material upon which to reach a fair determination of the application.

Decision

13. The Tribunal was satisfied that all the points raised in the application had been dealt with by the Landlord and that there were no outstanding issues. The Tribunal was satisfied that the Repairing Standard was met and that no further orders were necessary.

14.

- (a) The Tribunal accordingly determined that the Landlord had complied with the duty imposed by Section 14(1)(b) of the Act.
- (b) The Tribunal did not need to issue any further orders.
- (c) The Tribunal did not need to take any further action.
- (d) The decision of the Tribunal was unanimous.

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.

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.


G Miller

Gabrielle Miller

11th March 2021

Legal Member

Date