

# Housing and Property Chamber First-tier Tribunal for Scotland

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

**Chamber Ref:** FTS/HPC/RP/22/0729

**Property Address:** Flat 1, 18 Bridgend, Duns TD11 3ER (“the property”)

**The Parties:** Miss Jenna Paterson (former tenant of Flat 1, 18 Bridgend, Duns TD11 3ER) (“the applicant”)

Mrs Katherine Lothian, Mr Peter Lothian, The Bungalow, Bothwell Farm, Duns TD11 3SR (“the respondent”)

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

### **Tribunal Members:**

Mr Mark Thorley (legal)  
Ms Geraldine Wooley (ordinary)

### **Decision:**

The tribunal, having made such inquiries as was necessary for the purpose of determining whether the respondent has complied with the duties imposed upon them by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the property concerned, and taking account of the evidence provided in the written representations and following upon the inspection and subsequent oral hearing, determined that the respondent has complied with the duties imposed by Section 14 (1)(b) of the Act.

### **Background:**

1. The applicant applied to the First-tier Tribunal by application dated 13 March 2022. Accompanying the application as a copy of the Private Residential Tenancy Agreement entered into between the parties. There was also a series of messages sent between the parties. The application was acknowledged on 29 March 2022 by the tribunal. Further information was sought from the applicant. On 21 April 2022 further information was sought by the tribunal. On 10 May 2022 the application was accepted for determination by the tribunal.

By note dated 4 June 2022 the applicant confirmed that she had vacated the premises. Thereafter the tribunal determined to continue with the application.

2. The issues identified in the application were front door key stiff and unable to open door, back door rotten/ hole in door, gas fire/ boiler condemned. It also indicated that the fire detection system and carbon monoxide alarm were not compliant with statutory guidance.
3. The respondent provided written representations to the tribunal including photographs on 19 July 2022.
4. The inspection took place on 26 July 2022 at 10 am with a teleconference hearing at 2 pm.

### **The Inspection:**

On the day of the inspection it was sunny and dry.

The inspection was carried out by Mark Thorley (legal member) and Geraldine Wooley (ordinary member). The respondent Mrs Katherine Lothian attended at the property for the purposes of providing access.

The property is a ground floor flat in a larger building. It is accessed by a front door and there is a door to the rear.

- (a) Front door key stiff and unable to open door.  
A new locking mechanism had been fitted to the front door with appropriate key.
- (b) Back door rotten/hole in the door.  
The back door had been infilled. There was a new external finish.
- (c) Gas fire/boiler condemned.  
The gas fire in the livingroom had been removed and the fireplace boarded up and ventilated and a freestanding electric fire provided.
- (d) Gas boiler  
A new gas boiler had been fitted with a new carbon monoxide alarm.
- (e) Interlinked fire safety system.  
There was an interlinked fire safety system through the property.

The ordinary member had taken a series of photographs of the property which are attached to this decision.

### **The Hearing:**

On the teleconference the respondent Mrs Katherine Lothian attended.

Thereafter the tribunal discussed the findings of the inspection.

### **Findings in Fact**

1. A Private Residential Tenancy Agreement had been entered into between the former applicant and the respondent for the property at Flat 1, 18 Bridgend, Duns TD11 3ER. The commencement date of the tenancy was 6 December 2021.
2. The property is a ground floor property consisting of livingroom, kitchen, bathroom and two bedrooms with a back and front door.
3. The front door has a new locking mechanism fitted to it with keys and works appropriately.
4. The back door has had work undertaken to it to infill the gap and is now repaired.
5. The gas fire in the livingroom has been removed and boarded up and a new electric freestanding heater has replaced it.
6. There is a new gas boiler.

### **Reasons for decision**

In considering the repairing standard, the tribunal carried out an internal inspection of the building. In addition, the tribunal considered the written documentation received from both the applicant and the respondent.

The tribunal noted that there was a new front door locking mechanism and that the back door had been infilled and decorated.

There is a new gas boiler in the kitchen.

The gas fire in the living room has been removed and replaced with an electric fire.

### **Decision**

The tribunal considered the terms of Section 13 of the Act, and determined that the respondent has complied with the duty imposed by Section 14(1)(b) of the Act.

The tribunal accordingly made no order.

### **Right of appeal**

A landlord or tenant or third party applicant aggrieved by the decision of the tribunal may apply 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 in 30 days from the date the decision was sent to them. Where such an appeal is made, the effect of the decision will be treated as having effect from the date of which the appeal is abandoned or so determined.

**Signed:**

**Date: 9 August 2022**

Housing and Property Chamber  
First-tier Tribunal for Scotland

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# Flat 1 18 Bridgend, Duns TD11 3DR

Inspection and hearing (teleconference) 26/07/22



# 1) Back door

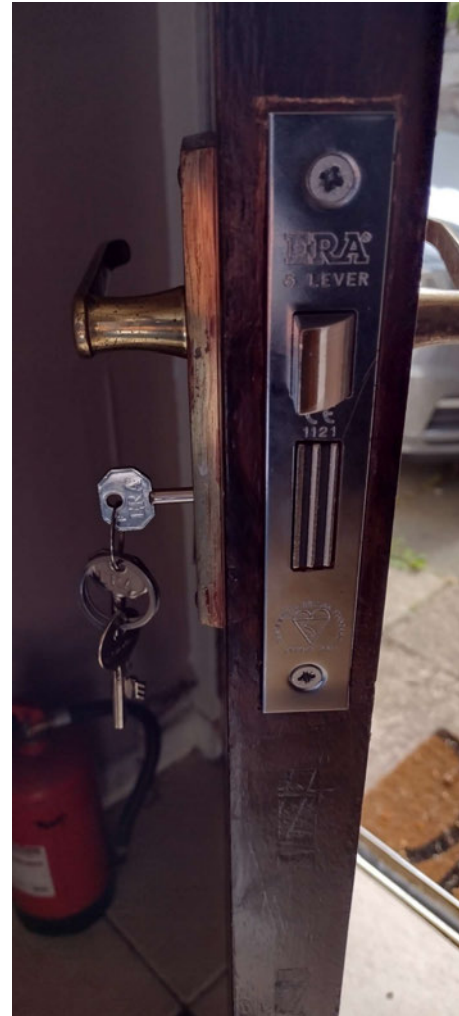
Internal finish to back door



External finish to back door

## 2) Front door

New lock and keys fitted to front door



### 3) Gas fire

The gas fire has been removed and the fireplace boarded up and ventilated.  
A free-standing electric fire is provided.



## 4) New gas boiler and CO alarm





## 5) Interlinked fire safety system



Heat detector in kitchen



Smoke detector in hallway



Smoke detector in living area