

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Decision with Statement of Reasons: Housing (Scotland) Act 2006 Section 24(1)

Chamber Ref: FTS/HPC/RP/20/1729

Mr Molham Tahhan, formerly 90 Derbeth Grange, Kingswell, Aberdeen, AB15 8UA (“The Tenant”)

Mr Jonathan Duncan, C/o Mountview Investments t/a Stonehouse Lettings, Osborne House, 27-30 Carden Place, Aberdeen, AB10 1UP (“The Landlord”)

**Tribunal Members –
Graham Harding (Legal Member)
Angus Anderson (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Landlord had complied with the duty imposed by Section 14(1)(b) of the Act.

Background

1. By application comprising an application form dated 14 August 2020 (“the Application”), the then tenant applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on them by Section 14 (1) (b), (c) and (d) of the Housing (Scotland) Act 2006 in respect that the Property does not meet the Repairing Standard in respect of Section 13(1) (d), of the Act.
2. On 2 October 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application.
3. As the Tribunal had been advised by the Tenant that he had vacated the Property the Tribunal continued the Application of its own accord in terms of Schedule 2 to the Act.
4. The Landlord’s representatives submitted written representations in advance of the assigned Case Management Discussion.
5. A Case Management Discussion (“CMD”) was held by teleconference on 22 January 2021. At that time the Landlord’s representative confirmed to the

Tribunal that the property had not been re-let and that there were still outstanding repairs to be completed to the bath and the garden fence. The Tribunal requested that the Landlord or his representatives advise the Tribunal of the Landlord's intentions as regards the property once they were known and submit any invoices, reports, photographs or other documents at least 7 days prior to any postponed CMD.

6. The CMD was adjourned to a further CMD to be held on 11 March 2021.
7. The Landlord's representatives submitted copies of invoices in advance of the CMD.

The Case Management Discussion

8. A Case Management discussion was held by teleconference on 11 March 2021. The Landlord attended in person and was represented by Ms Lisa Campbell.
9. Ms Campbell referred the Tribunal to the documents provided and confirmed that all the outstanding repairs had been completed satisfactorily. She advised that the Landlord was still undertaking refurbishment of the property due to the condition it had been left in by the former tenant. However, the issues complained of had been attended to. The property had still not been let. The Landlord confirmed he was still undecided as to whether he would re-let the property or sell it once the refurbishment had been completed.

Findings of the Tribunal

10. The Tribunal found that the previous tenant had complained of:
 - (i) The fridge being broken since 15 July 2020.
 - (ii) Bath water leaking since 27 May 2020.
 - (iii) The garden fence needing repair since 27 May 2020.
11. The Tribunal further found that the Landlord's representative had provided documentary evidence to show that the issues raised by the former tenant had been adequately addressed.

Decision of the Tribunal and Reasons for the Decision

12. Having found sufficient evidence that the matters complained of in the Application had been remedied to a reasonable standard, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion including making a decision" and so determined that the Landlord had complied with the duty imposed by Section 14(1)(b) of the Act.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only 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 Harding

Signed _____

Date: 29 March 2021