

Housing and Property Chamber First-tier Tribunal for Scotland



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")**

Chamber Reference: FTS/HPC/RP/21/1813

**Title Number: Subjects registered in the Land Register for Scotland under Title
Number STH5166**

**House address: 12A MacKenzie Crescent, Bettyhill, Thurso, KW14 7SY ('the
House')**

The Parties

**Mrs Eleanor Black, 12A MacKenzie Crescent, Bettyhill, Thurso, KW14 7SY ('the
Former Tenant')**

Ms Elizabeth McGhie, 5/16 Appin Street, Edinburgh, EH14 1PN ('the Landlord')

Tribunal Members

Ms H Forbes (Legal Member)

Mr R Buchan (Ordinary Member)

Decision

**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) of the 2006 Act in relation to the House, determined that the
Landlord has complied with the said duty.**

Background

1. By application received on 27th July 2021, made under section 22 of the 2006 Act, the Former Tenant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') for a determination as to whether the Landlord has failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.

2. The Former Tenant considered that the Landlord has failed to comply with their duty to ensure that the House meets the repairing standard, in that any fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and in proper working order; any furnishings provided by the landlord under the tenancy are not capable of being used safely for the purpose for which they are designed; and the House does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
3. The Former Tenant reported issues in relation to:
 - (i) Uneven flooring
 - (ii) Whether smoke alarms comply with regulations
4. The Former Tenant notified the Landlord of the defects by emails sent in the period from 19th November 2020 to 21st July 2021.
5. The Landlord made written representations by email dated 30th August 2021.
6. By email dated 6th September 2021, the Landlord made further written representations and lodged photographs showing flooring replacement, and smoke and heat alarms that had been purchased and fitted in the House.
7. By email dated 9th September 2021, the Former Tenant informed the Tribunal that the tenancy ended on 25th August 2021 and that she wished to withdraw the application.
8. The Tribunal considered whether the application should be determined or abandoned. The Tribunal decided, in terms of Schedule 2 Paragraph 7(3) of the Act, that the application should be determined, given the health and safety issues raised in respect of the smoke alarms. A Minute of Continuation dated 22nd September 2021 was issued.
9. A Case Management Discussion (“CMD”) took place by telephone conference on 6th October 2021. The Landlord was in attendance. The Landlord explained that the issues with flooring had been attended to. A carpet had been laid in the living room and ‘spongy’ areas of laminate throughout the House had been replaced.
10. Responding to questions from the Tribunal regarding the layout of the House and the photographic evidence of smoke and heat alarms provided, the Landlord said there are two hallways, with a smoke alarm in each, a heat alarm in the kitchen and a smoke alarm in the living room.
11. The Tribunal viewed a video showing the alarms are interlinked, and photographs of the alarms ordered and fitted. The Tribunal discussed its concerns regarding whether or not the alarms meet the relevant legislative standard as required by the 2006 Act. They are not hard-wired; however, the legislation allows for tamper proof/sealed/ long-life lithium battery

alarms (i.e., not PP3 type or user-replaceable). The Landlord undertook to investigate this matter and provide further documentary or photographic evidence to the Tribunal in this regard.

12. By email dated 12th October 2021, the Landlord provided the user manuals for the alarms. The Tribunal considered matters and decided that the alarms meet the relevant legislative standard as required by the 2006 Act.

Reasons for Decision

13. The Tribunal determined the application having regard to the terms of the application, the written representations and documents received and the evidence from the Landlord. The Tribunal was satisfied having regard to all the available evidence that there was sufficient information and material upon which to reach a fair determination of the application.

14. The Tribunal was satisfied, on the information provided, that all issues had been addressed and that the House now meets the Repairing Standard. The Tribunal requires no further action to be taken.

Decision

21. The Tribunal was satisfied that the Repairing Standard was met and that no orders were necessary. The Tribunal accordingly determined that the Landlord has complied with the duty imposed by Section 14(1)(b) of the 2006 Act.

H Forbes

Legal Member and Chairperson
Date: 25th October 2021