

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 24 (1) of the Housing (Scotland) Act 2006 (“the Act”) in respect of an application under Section 22(1A) of the Act

Reference number: FTS/HPC/RP/22/4210

Re: Property at 95 Smithyends, Cumbernauld, North Lanarkshire, G67 2SJ (“the Property”)

The Parties:

Mr Steven Suffredini, residing at Quinta Beltro, Sitio Do Poio, Mexilhoeira Grande, Portimao 8500-149, (“the Landlord”)

Tribunal Members – K Moore (Legal Member) and N Allan (Ordinary Member)

Decision of the Tribunal

The Tribunal determined that the Landlord has complied with the duty imposed on her by Section 14(1)(b) of the Act and that the Property meets the Repairing Standard in respect of Section 13(1)(a) and Section 13(h) of the Act

Background

1. By application received on 23 November 2022 (“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) of the Housing (Scotland) Act 2006 in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1) (a), and 13(1) (h) of the Act. A legal member of the Chamber with delegated powers of the Chamber President accepted the Application and an Inspection and Hearing were fixed for 24 February 2023 at 10.00 at the Property and at 14.00 by telephone conference call respectively.
2. The Application noted the following matters as defects at the Property:

- i) A hole in the living room ceiling and
 - ii) Mould as result of the hole.
3. The then tenant advised the Tribunal that he had vacated the Property. The Tribunal continued the Application of its own accord in terms of Schedule 2 to the Act and intimated this to the Landlord's Agents.

First Inspection and Hearing

4. The Inspection scheduled for 24 February 2023 at 10.00 did not take place as the Tribunal could not gain access to the Property. The Hearing took place on that day at 14.00 by telephone conference call, but Landlord nor the Landlord's Agents did not take part. No written submissions were lodged with the Tribunal.

Second Inspection and Hearing

5. A second Inspection and Hearing took place on 12 June 2023. The Landlord was present at both.
6. At the Inspection the Tribunal was satisfied that the ceiling had been repaired and that there was no evidence of dampness or mould.
7. At the Hearing by telephone conference, the Tribunal advised the Landlord that it was satisfied that the matter complained of in the Application had been rectified and that there was no need to make an Order.

Decision of the Tribunal and reasons for the Decision.

8. Having been satisfied that the repair noted in the Application has been carried out, the Tribunal determined that the Landlord has complied with the duty imposed on him by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and that the Property meets the Repairing Standard in respect of Section 13(1) (a) and Section 13(h) 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.

Signed _____

K Moore, Chairperson

12 June 2023