

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/19/4081**

**Re: Property at 15 Belwood Crescent, Penicuik, Midlothian, EH26 0QL (“the Property”)**

**The Parties:**

**Mr Daniel Johnson, c/o Cornerstone Letting Agents, 21 Lansdowne Crescent, Edinburgh, EH12 5EH (“the Landlord”)**

**Tribunal Members:**

**Graham Harding- Legal Member**

**Debbie Scott- Ordinary Member**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be dismissed.

**Background**

1. By application comprising an application form dated 19 December 2019 (“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 Section 13(1) (d), of the Act.
2. On 13 January 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application. As the Tribunal the Tribunal had been advised that the Tenant had vacated the Property the Tribunal continued the Application of its own accord in terms of Schedule 2 to the Act.
3. The Landlord’s representatives submitted written representations in advance of the assigned Case Management Discussion.
4. A Case Management Discussion (“CMD”) assigned for 28 February 2020 was postponed and following the Covid19 pandemic a further CMD was held by

teleconference on 22 January 2021. At that time the Landlord's representative undertook to provide the Tribunal with further information with regards to the oven, cooker hood and refurbishment of the bathroom in the property as well as confirmation from the present tenant that any issues had been resolved. The CMD was adjourned to a further CMD to be held on 5 March 2021.

5. The Landlord's representatives submitted an Inventory Report, photographs, copies of invoices together with confirmation that the cooker hood was operative and an email from the present tenant in advance of the CMD. The Landlord's representative also submitted PAT test certificates.

### **The Case Management Discussion**

6. A Case Management discussion was held by teleconference on 5 March 2021. The Landlord was represented by Mr Richard Burgoyne.
7. Mr Burgoyne referred the Tribunal to the documents provided and confirmed that all the outstanding repairs had been completed satisfactorily. He advised the Tribunal that the oven had been inspected and tested and the oven knob did not require to be replaced.

### **Findings of the Tribunal**

8. The Tribunal found that the previous tenant had complained of: -
  - (i) water ingress from the bathroom to the kitchen as a result of a faulty bath panel;
  - (ii) the oven knob had melted and required to be replaced;
  - (iii) the cooker hood was not working and
  - (iv) there was a leak in the kitchen ceiling.
9. The Tribunal further found that the Landlord's representative had provided documentary and photographic evidence to show that the issues raised by the former tenant had been adequately addressed.

### **Decision of the Tribunal and Reasons for the Decision**

10. 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 dismissed the Application.

### **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.**

Signed: **G Harding**

Date: 14 March 2021