

# Housing and Property Chamber

## First-tier Tribunal for Scotland

---



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

### **Statement of Decision of the Housing and Property Tribunal under Section 24 (1) of the Housing (Scotland) Act 2006**

**Chamber Reference: FTS/HPC/RP/17/0011**

**Flat 1/R, 6 Tait's Lane, Dundee, DD2 1AB**  
(“the Property”)

#### **The Parties:-**

**Miss Naomi Culpin, residing at the Property**  
(hereinafter referred to as “the Tenant”)

**Mr Allan Munn residing at 520 Sandyhills Road, Glasgow**  
(hereinafter referred to as “the Landlord”)

#### **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) in relation to the Property concerned and taking account of the evidence on behalf of the Landlord at the Hearing, determined that the Landlord had complied with the duty imposed by Section 14 (1) (b) of the Act.

#### **BACKGROUND**

1. By application paperwork received by the First Tier Tribunal (Housing and Property Chamber) between 12 January 2017 and 08 February 2017 the Tenant applied to the Tribunal for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the Property meets the repairing standard and in particular that the Landlord had failed to ensure that the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and also that any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order. In her application, the applicant stated that the electrics were unreliable and cut out frequently on a daily

basis. The security light in the stairway was not working. The kitchen lights above the hob fitted into the extractor fan were not working and that a toilet roll holder was broken and unusable.

3. By Minute dated 13 February 2017, a convener of the Housing and Property Chamber First-tier Tribunal for Scotland with delegated powers under Section 96 of the Housing (Scotland) Act 2014 and Section 21 (8a) of the Act referred the application to a Tribunal.
4. The Tribunal served notice of referral under and in terms of Schedule 2 Paragraph 1 of the Act upon the Landlord and the Tenant.
5. Following service of the Notice of Referral (by letter dated 10 March 2017) the Landlord's representatives, Rockford Properties Limited, 50 Castle Street, Dundee submitted written representations to the Housing and Property Chamber intimating that all works outlined by the Tenant had been attended to.
6. The Tribunal consisted of Graham Harding, Legal Member and Geraldine Wooley, Ordinary Member.
7. By Notice of Direction dated 03 March 2017, the Tribunal determined that in view of the nature of the complaints contained within the application in respect of the electrical installation, the Landlord was required to produce a valid Electrical Installation Condition Report dated after 20 January 2017 completed by a suitably competent person registered with NICEIC or SELECT. The report should show that the electrical system, including the fire safety system, is satisfactory and in working order.
8. The Landlord's representatives, Rockford Properties Limited, provided the Tribunal with a satisfactory Electrical Installation Condition Report on 30 March 2017.
9. The Tribunal inspected the Property on the afternoon of 05 April 2017. Present at the inspection was the applicant's flat mate, Mr Gavin Logie, the Landlord's representatives, Mr Gary Phillips and Hazel Young of Rockford Properties Limited. The weather conditions on the day of the inspection were sunny and dry. Mr Logie confirmed that all of the complaints detailed in the Tenant's application had been attended to and that the electrical installations were working satisfactorily. The Landlord's representative carried out a test of the smoke and heat alarms and these were found to be working properly.

## **THE HEARING**

10. Following inspection of the Property, the Tribunal held a Hearing at Caledonia House, Dundee the Tenant did not attend and was not represented. The Landlord did not attend but was represented by Hazel Young of Rockford Properties.

11. Ms Young stated that all of the complaints contained in the Tenant's application had been attended to and that she was aware that the Tenant had raised certain other issues not contained within the application and that these would be considered.

## **SUMMARY OF THE ISSUES**

12. The issue to be determined is whether the repairing standard has been met in light of what the Tribunal observed at the inspection together with the submissions on behalf of the Landlord and whether or not the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and whether or not any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order. All in terms of Section 13 (1) (c) and (d) of the Housing (Scotland) Act 2006.

## **FINDINGS OF FACT**

13. The Tribunal found the following facts to be established:-

- (i) The Tenancy Agreement has existed since 26 August 2016. The Property comprises a hallway, kitchen, bathroom, living room and bedroom. The Landlord's representatives had arranged for the defects in the electrical system to be repaired prior to the inspection. A satisfactory Electrical Installation Condition Report dated 23 March 2017 in respect of the Property was produced. The Tenant's flat mate, Mr Logie, confirmed that all the defects complained of by the applicant in her application had been satisfactorily dealt with.

## **REASONS FOR THE DECISION**

14. At the inspection the Tribunal noted that the electrical defects and other matters complained of by the applicant had been satisfactorily dealt with by the Landlord. The Ordinary Member took photographs of the Property which form the schedule attached to this Decision.
15. The Decision of the Tribunal is unanimous.

## **RIGHT OF APPEAL**

16. 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 of 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.

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 and where the appeal is abandoned or finally determined by upholding the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.  
G Harding

Signed .....

Date 18/04/2017 .....

Graham Harding  
(Legal Member)

Housing and Property Chamber  
First-tier Tribunal for Scotland



# 1/R 6 Tait's Lane, Dundee DD2 1EB

Inspection and Hearing 5 April 2017



## Fire detection

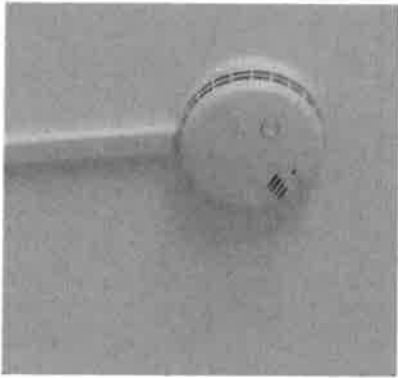


Heat alarm in kitchen



Smoke alarm in sitting room

# Fire detection



Smoke alarms in hall and bedroom