



**Statement of Decision of the Housing and Property Chamber of the
First-tier Tribunal for Scotland under Section 26 (1) of the Housing
(Scotland) Act 2006**

Tribunal reference: FTS/HPC/RP/26/3431

Property: 1/8 St Vincent Place, Edinburgh EH3 5BQ (“the Property”)

Parties:

Mr John Duncan, 1/8 St Vincent Place, Edinburgh EH3 5BQ (“the Tenant”)

**Mrs Irene Robertson, c/o Rettie & Co., 4 Jamaica Street, Edinburgh EH3 6HH
 (“the Landlord”)**

**Tribunal Members: George Clark (Legal Member/Chair) and Geraldine Wooley
(Ordinary/surveyor Member)**

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber, having made such enquiries as it was able to do for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 dismissed the application.

Background

1. On 24 July 2026, the Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland (“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 Applicant contended that when the heating is not operating the Property becomes uncomfortably cold, that when it is switched on, the entire Property overheats to approximately 27 degrees Celsius, and the tiled floors become excessively hot and uncomfortable to walk on. The heating cannot be controlled in a practical manner suitable for family occupation. Despite a contractor’s attendance, the heating system remains defective and, although an engineer attended two weeks prior to the application and recommended that the system required to be replaced, no replacement has been authorised, no timetable for replacement has been provided and no permanent repair has been carried out.

The Inspection

3. The Tribunal Members arrived to inspect the Property on the morning of 8 October 2026 but were unable to gain entry. The Tenant confirmed to the

Tribunal in a telephone call that he had not been expecting the Inspection to proceed and that an electrician was calling at the Property that day to carry out a couple of minor things, after which the Tenant would regard everything as having been resolved.

4. The Landlord's son, Mr Michael Robertson, was in attendance as her representative and provided the Tribunal with a number of documents. These are summarised in Paragraph 6 of this Decision. He advised that the repairs due to be carried out later that day did not relate to the heating system.

The Hearing

5. Following the attempt to inspect the Property, a Hearing took place at Edinburgh Tribunals Centre, 27 Chambers Street, Edinburgh EH1 1LB. Neither Party was in attendance or represented at the Hearing.
6. The Tribunal considered the documents handed to it by the Landlord's son. They comprised a report from Owen Gibb & Sons Ltd, Edinburgh, confirming that they had visited the Property on 29 and 30 June 2026 and had recommended that the underfloor heating wiring centre and room thermostats require to be replaced, and an Invoice of 22 September 2026 from A. Sanderson Electrical Ltd, Edinburgh, NICEIC approved contractors, for the installation of a new UFH control kit with new thermostats in each zone and the testing of each zone. There was also a copy email of 29 September 2026 from Rettie & Co, the Landlord's letting agents, to the Landlord's son confirming that Owen Gibb & Sons Ltd had attended the Property with their electrician on the previous day and that the electrician had corrected the incorrect heads and had fully checked each room, confirming that the system is now working as it should. They mentioned a separate issue with lights in the kitchen. This was the work that the Landlord's son had advised at the attempted Inspection was due to be carried out later that day, and it was not part of the application.

Reasons for Decision

7. A landlord has a duty under Section 14(1)(b) of the Act, to ensure that the Property meets the Repairing Standard at all times during the tenancy.
8. The Tribunal noted from the documents provided by the Landlord's son that the Landlord appears to have carried out the works recommended in the report by Owen Gibb & Sons Ltd following their inspections on 29 and 30 June 2026 and that the Tenant gave no indication to the Tribunal Clerk in the telephone call to him that the matters of which he had complained were unresolved. Accordingly, the Tribunal determined that the application should be dismissed.
9. The Tribunal's Decision was unanimous.

G Clark

Legal Member 8 October 2026