Housing and Property Chamber
First-tier Tribunal for Scotland

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

Determination: Housing (Scotland) Act 2006: Sections 26 and 27

Chamber Ref: FTS/HPC/RP/26/2203

Flat 8, 4 Thorntreeside, Edinburgh, EH6 8FF being the subjects registered in the Land Register of Scotland under Title Number MID169012 ("the Property")

The Parties:-

Ms Koon Ling Lam and Mr Chun Cheong Kwok, Flat 8, 4 Thorntreeside, Edinburgh, EH6 8FF ("the Applicant" and "the Tenant")

Mr Alan Taylor, 162-164 Bruntsfield Place, Edinburgh, EH10 4ER ("the Respondent" and "the Landlord")

Edinburgh Letting Centre Limited, 51 Ratcliffe Terrace, Edinburgh, EH9 1SU ("the Respondent's Letting Agent")

Tribunal Members:

Martin McAllister, Solicitor (Legal Member) and Sara Hesp, Chartered Surveyor (Ordinary Member) ("the tribunal")

Decision

The tribunal determined:

That the Property complies with the repairing standard as set out in Section 13 of the Housing (Scotland) Act 2006.

Background

1. By application dated 15 May 2026, the Applicant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 as amended ("the 2006 Act"). The application is in terms of Section 22 (1) of the 2006 Act.

2. The application states that the Property does not meet the repairing standard set out Section 13 of the 2006 Act because of remedial electrical works that require to be carried out.

3. On 18 June 2026, a Notice of Acceptance was issued by a legal member of the Tribunal acting under delegated powers of the Chamber President.

4. On 30 June 2026, a Direction was issued by the Tribunal which required the Respondent to submit to the Tribunal:

4.1 A current electrical installation condition report (EICR) for the Property which confirms that the electrical installation is satisfactory, has appropriate RCD protection and no recommendations in the C1 or C2 category. It was also directed that a satisfactory PAT test in respect of electrical appliances be submitted to the Tribunal.

4.2 Evidence of interlinked smoke detection devices and a heat alarm which comply with Scottish Government Guidance.

Property Inspection

5. The members of the tribunal inspected the Property on 9 October 2026. The Applicants were present. The Respondent was not present. The tribunal had the assistance of an interpreter.

6. A schedule of photographs, prepared by the Ordinary Member is attached to this Decision and is referred to for its terms.

Findings on Inspection

7. The Property is a flatted dwellinghouse on the second floor of a purpose -built tenement which is approximately twenty two years old.

8. Smoke detectors were installed in the living area and in the hallway, and a heat detector is installed in the kitchen

9. The three detectors were tested and were found to be working and interlinked.

Hearing

10. A Hearing was held in Edinburgh Tribunals Centre on 9 October 2026.The Applicants were present. The Respondent was not present but was represented by Ms Banafsheh and Mr Nixon of Edinburgh Letting Centre Ltd.

11. The tribunal had the assistance of an interpreter.

12. The tribunal noted that the Applicants and the Respondent entered into a private residential tenancy agreement in respect of the Property which commenced on 22 April 2026.

13. The Ordinary Member set out the findings from the Inspection. She said that the heat and smoke detectors were satisfactory and complied with Scottish Government Guidance. They worked and were interlinked.

14. The Respondent had submitted an EICR dated 12 May 2026 and a PAT test certificate dated 20 April 2026.

15. The tribunal was satisfied that both had been prepared by appropriately qualified persons.

16. The PAT certificate confirmed that the electrical appliances tested were satisfactory.

17. The EICR stated that the electrical installation was satisfactory and that there were no recommendations in the C1 or C2 category.

18. Ms Banafsheh accepted that, at the commencement of the tenancy, an appropriate EICR had not been provided to the Applicants.

19. Mr Kwok said that, at the commencement of the tenancy, on 22 April 2026, the electrical installation was not in a satisfactory condition.

20. It was explained to Mr Kwok that, in terms of the legislation, the Tribunal's duty was to determine whether, on inspection, a property met the repairing standard. It was suggested to Mr Kwok that he should take advice with regard to any remedy he may consider that he has in respect of any failure of the Respondent at the commencement of the tenancy.

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21. Findings in Fact

21.1 The Applicant and Respondent are parties to a private residential tenancy.

21.2 The Property meets the repairing standard as set out in the findings from the inspection.

Reasons

22. The tribunal relied on the content of the PAT test certificate, the EICR and its findings at the inspection.

In terms of section 46 of the Tribunals (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.

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.

MARTIN.J.MCALLISTER

Martin J. McAllister,
Solicitor, legal member of
Tribunal.
12 October 2026

Housing and Property Chamber
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Flat 8, 4 Thorntreeside, Edinburgh EH6 8FF

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Schedule of photographs

All photographs were taken on 9 October 2026.

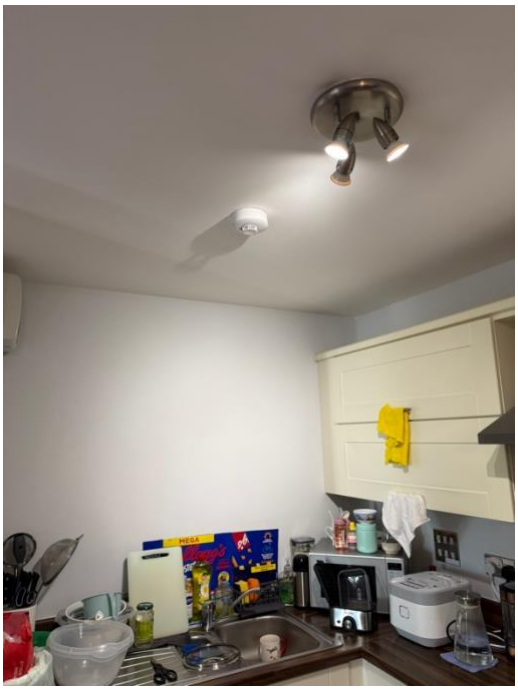


Photograph 1: General view of block

Photograph 2: Living area: Smoke detector



Photograph 3: Kitchen: Heat detector



Photograph 4: Hallway: Smoke detector

