

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/18/1411

Title no/Sasines Description: BER4559

Property Address: Whitefoord, Cove, Cockburnspath TD13 5XD ("the house")

The Parties: Mrs Jane McAllister and Mr Glen McAllister,
Whitefoord, Cove, Cockburnspath TD13 5XD ("the tenants")

and

Mr Graham Biggin, c/o FBR Ltd, Abbey Row, Kelso,
Roxburghshire TD5 7JF ("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber "the Tribunal") hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the property dated 15 January 2019 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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 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: IN WITNESS WHEREOF the presents typewritten on this and the preceding page are subscribed as follows:-

M. Thorley

Chairing Member

B. Biggin

Place of signing

11th March 2019

Date of signing

Witness

20 Hopeburn

Witness address

Street, Edinburgh

EH7 4GH

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/1411

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Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as was appropriate for determining whether the landlord has complied with the Repairing Standard Enforcement Order (RSEO) in relation to the house concerned and taking account of the subsequent re-inspection of the property, determined that the landlord has complied with the order and that a Certificate of Completion of Work to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006.

Background

1. On 22 October 2018 the Tribunal found that the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and produced a Statement of Decision on that date. On 15 January 2019 the Tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the house, together with a statement of its decision.
2. The Tribunal required the landlord:-
 - (a) To install carbon monoxide alarms where appropriate in the property.
 - (b) To remove or demolish the boundary wall and either replace with another wall/fence or leave without.
3. On 18 November 2019 a re-inspection of the property was carried out by Mr Greg Adams, ordinary member of the Tribunal. In attendance also was Ms Hannah Tennant of Melrose & Porteous, the landlord's selling agents.
4. The re-inspection established:-

- (a) Carbon monoxide detectors had been installed where required and appropriate within the property.
 - (b) The boundary wall had been replaced to a suitable standard.
 - (c) The ground floor bathroom had been fully repaired with the shower tray reset and sealed.
 - (d) The boiler was found to be in full working order with hot water evident.
 - (e) The livingroom ceiling had been appropriately repaired and painted.
5. The Tribunal determined that the works as required to be performed under the RSEO had been performed.

Right of Appeal

A landlord, tenant or third party applicant 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.

M. Thorley

Signed

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Chairperson

Date

11th Dec 2015
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