

Housing and Property Chamber First-tier Tribunal for Scotland



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

DECISION WITH STATEMENT OF REASONS FOR CERTIFICATE OF COMPLETION: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RP/19/3972

7/7 Tower Place, Edinburgh, EH6 7BZ (Title number MID92258) ("The Property")

The Parties:-

Mr Andrew Michael Beatt, 46 Abbotsford Road, Galashiels
("the Respondent")

Tribunal members

Ms. Susanne L. M. Tanner Q.C., Legal Member and Chair
Mr. Andrew Murray, Ordinary Member

DECISION

1. The tribunal, having taken account of the Respondent's written and video submissions, issued a Certificate of Completion of works in terms of section 60 of the 2006 Act.
2. The decision of the tribunal was unanimous.

Reasons

3. The tribunal made an RSEO on 6 March 2020, which required the Respondent:

1. *To repair or replace the boiler to ensure that the installations in the house for space heating and heating water are in reasonable state of repair and in proper working order.*

2. *To repair or replace the shower installation and/or enclosure in order that the appliance is in a reasonable state of repair and proper working order and the House is watertight.*

3. *To repair or replace the French window lock in the living room to ensure that the door can be unlocked and opened, it is capable of being used safely for the purpose for which it is designed and to ensure an adequate source of ventilation in the living room.*

4. *To repair or replace the extractor fan in the bathroom in order that it is capable of being used safely for the purpose for which it is designed and to ensure an adequate source of ventilation in the bathroom.*

5. *To repair the kitchen table so that the tabletop is secure and is capable of being used safely for the purpose for which it was designed; or remove it from the House and dispose of it.*

The tribunal orders that the works specified in this Order must be carried out and completed within 8 weeks from the date of service of this Notice.

4. A Case Management Discussion was held on 18 February 2021, in which there was a discussion about the evidence already produced and the further evidence required from the Respondent in relation to the orders in the RSEO.
5. The tribunal varied the RSEO on 18 February 2021, as follows:
 - 5.1. In Order number 1 in the RSEO, to add a requirement that the Respondent produces a gas safety certificate from a Gas Safe engineer which post-dates the boiler works in terms of the RSEO; and
 - 5.2. In Order number 5, to remove the requirement for any repair work to the table.
 - 5.3. to extend the period for compliance with all orders to 1 March 2021, to allow the Respondent the opportunity to obtain the gas safety certificate and to produce the video and documentary evidence referred to during the Case Management Discussion in respect of the other orders in the RSEO.
6. On 18 March 2021, the Respondent produced video evidence in relation to the orders in the RSEO; and an image of a Gas Safety Certificate for the Property dated 24 February 2021.

7. The tribunal's administration confirmed that the engineer who had carried out the gas safety inspection on the instruction of the Respondent was registered with GasSafe.
8. Having considered the terms of the RSEO and the evidence produced by the Respondent, the tribunal determined that the work required by RSEO relative to the Property, dated 6 March 2020, as varied on 18 February 2021, has been completed within the time period, as varied. Accordingly, a certificate of completion has been issued in terms of Section 60 of the 2016 Act and the said RSEO relative to the property has been discharged.

Right of Appeal

9. **A party 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.**

Effect of section 63

10. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming 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.

S Tanner

Signed

Ms. Susanne L M Tanner, Queen's Counsel, Legal Member and Chair of the tribunal

Date 31 March 2021