

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

Property: 109 Westray Street, Glasgow G22 7AX ("the Property"/ "the house")

Title No: GLA80517

Chamber Reference: FTS/HPC/RP/18/2500

Ms Michelle Meikle Traynor, 109 Westray Street, Glasgow G22 7AX ("the Tenant")

Mrs Carolyn Kemley, t/a CK Properties, 115 Westray Street, Glasgow G22 7AX ("the Landlord")

Tribunal Members – George Clark (Legal Member/Chairperson) and Lori Charles (Ordinary Member/Surveyor)

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 made on 27 March 2019 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Right of Appeal

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.

In witness whereof these presents typewritten on this and the preceding page are executed by George Barrie Clark, solicitor, Lasswade, Legal Member/Chair of the tribunal at Lasswade, Midlothian on 23 August 2019 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

G Clark

V Clark

_____ Legal Member/Chair

_____ witness

Lessons 23/5/19

Central 2-11-19

G Clark

George Clark

North River

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision of the Housing and Property Chamber of the First-tier Tribunal for Scotland under Section 60 of the Housing (Scotland) Act 2006

Property: 109 Westray Street, Glasgow G22 7AX ("the Property"/ "the house")

Chamber Reference: FTS/HPC/RP/18/2500

Ms Michelle Meikle Traynor, sometime 109 Westray Street, Glasgow G22 7AX ("the Tenant")

Mrs Carolyn Kemley, t/a CK Properties, 115 Westray Street, Glasgow G22 7AX ("the Landlord")

Tribunal Members – George Clark (Legal Member/Chairperson) and Lori Charles (Ordinary Member/Surveyor)

Decision

The First-tier Tribunal for Scotland Housing and Property Chamber determined that the work required by the Repairing Standard Enforcement Order in respect of the Property, made on 27 March 2019 had been carried out and that a Certificate of Completion of Works should be issued.

Background

1. By application, received by the Tribunal on 27 September 2018, the Tenant applied to the Housing and Property Chamber of the First-tier Tribunal for Scotland 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 stated that the Tenant considered that the Landlord had failed to comply with their duty to ensure that the house meets the repairing standard.

3. The Tribunal inspected the Property on the morning of 27 March 2019 and, after the inspection and subsequent Hearing, made a Repairing Standard Enforcement Order ("the Order") in respect of the Property.

4. The Order required the Landlord:

(1) to carry out such repairs to the windows throughout the Property as are necessary to ensure they are wind and watertight, in a good state of repair and in proper working order, including ensuring that all hoppers open and close properly and that the window on the upper landing can safely be used as an emergency exit from the Property;

(2) to instruct a suitably qualified electrician to carry out such works as are necessary to ensure the electrical power points and light fittings in the Property are in safe and proper working order and, thereafter, to exhibit to the Tribunal a satisfactory current Electrical Installation Condition Report, dated after the date of completion of the work, containing no C1 or C2 items of disrepair, the Report to be issued by an electrical contractor who is registered either with NICEIC, SELECT or NAPIT;

(3) to repair the hole in the bathroom floor;

(4) to reinstate the fascias on the inside of the front entrance door of the Property;

(5) to carry out such works as are required to ensure that the provision of smoke detectors and heat detectors within the Property complies with the Fire Protection in Rented Properties Guidance published by the Scottish Government on 7 February 2019, effective 1 March 2019 and available on the Scottish Government website and

(7) to install a carbon monoxide monitor at an appropriate height in the kitchen of the Property.

The Tribunal ordered that the works required must be carried out within the period of two months from the date of service of the Order.

5. The Tribunal comprised George Clark (Legal Member/Chairperson) and Lori Charles (Ordinary Member/surveyor).

6. The Ordinary Member/surveyor) of the Tribunal reinspected the Property on 5 July 2019. A file of photographs, taken at the reinspection, is attached to and forms part of this Statement of Decision. She reported that all of the work required by the Order had been carried out, apart from the exhibition of a satisfactory Electrical Installation Condition Report dated after the date of completion of the electrical work required by the Order.

7. Subsequent to the reinspection, the Landlord provided the Tribunal with an Electrical Installation Condition Report from a SELECT Registered

electrical contractor, Leven Electrics, Dumbarton. The Tribunal was satisfied with the Report.

Reasons for the decision

8. The Tribunal was satisfied that all the work required by the Order has been completed and that all the documentation required by the Order has been provided.
9. The decision of the tribunal was unanimous.

Right of Appeal

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.

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Signed.. **G Clark**
Date: 23 August 2019 Legal Member/Chairperson

*Revised Report referred to
in the foregoing
Statement of Decision
G Clark
Signed 23/8/19*

Housing and Property Chamber First-tier Tribunal for Scotland



Date of Inspection – 5th July 2019 at 10am

Property Reference – FTS/HPC/RP/18/2500

Property Address – 109 Westray St, Glasgow G22 7AX

Surveyor – Lori Charles

Previous Inspection – 27th March 2019

Access – Mr Ian Kemley - Landlord's husband

Weather – Dry/Sunny

Repairing Standards Enforcement Order (RSEO) dated 28th March 2019

Repairing Standards Enforcement Order (RSEO) dated 28th March 2019 particular the Tribunal requires the Landlord to:-

1. to carry out such repairs to the windows throughout the Property as are necessary to ensure they are wind and watertight, in a good state of repair and in proper working order, including ensuring that all hoppers open and close properly and that the window on the upper landing can safely be used as an emergency exit from the Property;
2. to instruct a suitably qualified electrician to carry out such works as are necessary to ensure the electrical power points and light fittings in the Property are in a safe and proper working order and, thereafter, to exhibit to the Tribunal a satisfactory current Electrical Installation Condition Report, dated after the date of completion of the work, containing no C1 or C2 items of disrepair, the Report to be issued by an electrical contractor who is registered either with NICEIC, SELECT or NAPIT;
3. to repair the hole in the bathroom floor;
4. to reinstate the fascias on the inside of the front entrance door of the Property;
5. to carry out such works as are required to ensure that the provision of smoke detectors and heat detectors within the Property complies with the Fire Protection in Rented Properties Guidance published by the Scottish Government on 7 February 2019, effective 1 March 2019 and available on the Scottish Government website and
6. to install a carbon monoxide monitor at an appropriate height in the kitchen of the Property

INSPECTION

- 1) All windows including hoppers were tested and now open and close, keys have been provided

The window in the upper landing now fully operates and can provide an emergency exit



- 2) All defective electrical sockets have been replaced and appear to be in working order



- 3) The hole in the bathroom floor has been repaired and new ceramic flooring has been fitted



- 4) Fascias around front door have been replaced by a coat of plaster ensuring that the door is now fully wind and watertight. A painter was instructed to carry out the decoration



- 5) The property was fitted with a fully compliant fire detection system



6) The property was fitted with a Carbon Monoxide detector



Comments: This report will be submitted to the First Tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Lori Charles BSc Hons MRICS

Lori Charles

Ordinary Member (Surveyor)

Date 06/07/19

Schedule of photographs taken during the re-inspection of 5th July 2019 by the Ordinary Member of the First Tier Tribunal for Scotland (Housing and Property Chamber) .

Reference Number FTS-HPC-RP-18-2500