

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**Decision: Housing (Scotland) Act 2006 ("the 2006 Act"), Section 60**

**Chamber Ref: FTS/HPC/RP/22/4492**

**Sasines Description: 23 East High Street Forfar being part of the subjects [bounded by High Street] in Forfar described in the Disposition to Archibald Saddler and another, recorded in Forfar Burgh Register 4 July 1924.**

**23 East High Street Forfar DD8 2EL  
("the House")**

**The Parties:-**

**Mr Jack Murphy and Mrs Erika Murphy, 23 East High Street, Forfar DD3 2EL("the Tenants")**

**William Saddlers & Sons 35 Eat High Street, Forfar DD8 2EL("the Landlord")**

**Tribunal Members**

**Graham Harding (Legal Member)**

**Robert Buchan (Ordinary Member)**

### **DECISION**

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having taken account of the correspondence from the Landlord received on 18 October 2023 and the Tenants received on 22 October 2023 and 3 January 2024 together with the reasons for the Decision of the Tribunal and the Repairing Standard Enforcement Order served on the Landlord and dated 1 August 2023 determined that the Landlord has complied with the said Repairing Standard Enforcement Order.
2. The Tribunal issued a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006.
3. The Decision of the Tribunal was unanimous.

### **Findings in Fact**

4. The Tenants have advised the Tribunal that the gas boiler at the property is working properly. They have said that as far as they are concerned the matter is now closed.
5. The Tribunal attempted to carry out a reinspection of the property on 13 December 2023 but was unable to gain access to the property.
6. The house meets the repairing standard as specified in Section 13 of the 2006 Act.

### **Reasons for Decision**

7. Reference is made to the full terms of (i) the Decision of the Tribunal and (ii) the Repairing Standard Enforcement Order both served on the Landlord and dated 12 June 2023.
8. Following the attempted re-inspection of the property on 13 December 2023 by the Tribunal the Tenants were contacted to confirm whether or not the boiler was in proper working order. The tenants responded by email on 3 January 2024 to confirm the boiler was working properly. The Tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act on that basis.

**A landlord or tenant 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.**

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.

G Harding

Graham Harding  
Legal Member and Chairperson

Date 7 February 2024