



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

STATEMENT OF DECISION in respect of an application under Section 24 (1) of the Housing (Scotland) Act 2006 (“the Act”) and issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Reference number: FTS/HPC/RP/20/0471

Re: Property at Flat 1/1, 764 Pollokshaws Road, Glasgow, G41 2AE (“the Property”)

The Parties:

Ms Janette Ross residing at Flat 1/1, 764 Pollokshaws Road, Glasgow, G41 2AE (“the Tenant”)

Mr Mohammed Alam, 738 Pollokshaws Road, Glasgow, G41 2AE (“the Landlord”)

Tribunal Members

James Bauld (Legal Member and Chair) Donald Wooley (Ordinary Member)

Background

1. This application was lodged in February 2020. Its progress was initially significantly delayed by the restrictions introduced to deal with the coronavirus pandemic
2. The applicant as then the tenant of the property made an application to the First Tier Tribunal (Housing and Property Chamber) indicating that she believed that the respondent who is the landlord of the property was failing to comply with the duty imposed on him by section 14 (1) (b) of the Housing Scotland Act 2006 (hereinafter referred to as “the 2006 Act”)
3. The applicant complained that the property did not meet the repairing standard set out in the 2006 Act and the Tribunal, after an inspection and

hearing on 18 March 2022 issued a Repairing Standard Enforcement Order (RSEO) dated 11 April 2022 in respect of the property.

4. The terms of the RSEO initially required the Landlord to
 - a) Instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards;
 - b) To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations
 - c) Instruct a Gas Safe registered engineer to undertake a full inspection of all gas fittings and appliances within the property (with particular reference to the boiler and cooker in the kitchen) and to repair and renew any parts which are identified within the report, including the “final check results” section of the report, as required, to ensure the fittings and appliances are fully functioning and meets current regulatory standards
 - d) Instruct a suitably qualified contractor to inspect those areas of damp in the bathroom, specifically around and below the WC and wash hand basin, identify the source and complete all necessary repairs to ensure that the property is dry
 - e) carry out repairs to the shower within the bathroom to ensure it is in a reasonable state of repair and in proper working order
 - f) carry out repairs (or if necessary replacement) to the WC to ensure it does not leak when flushed.
 - g) Install smoke detectors within the living room and hall and a heat detector in the kitchen, ensuring that they meet the requirements contained in the with

the Housing (Scotland) Acts 1987 and 2006

Reinspections and subsequent procedure

5. During subsequent re-inspections on 17 June 2022, 21 October 2023, 24 May 2023 and 10 January 2024, it was identified that all or parts of the work specified within the RSEO remained outstanding
6. By the time of the reinspections the tenant had vacated the property
7. A further reinspection was carried out on 19 July 2024.
8. A report containing supporting photographs, taken at the reinspection, was prepared and is attached to this decision
9. The tribunal are satisfied that the outstanding repairs have now been fully completed

Decision

10. The tribunal, being satisfied that all works required in terms of the RSEO have now been completed, have resolved that the RSEO should be revoked.
11. The tribunal has also determined to grant a certificate of completion in terms of section 60 of the 2006 Act confirming that the works required by the repairing standard enforcement order has been completed.
12. The Decision of the Tribunal is 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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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 James Bauld, Solicitor, Legal Member of the First-tier Tribunal for Scotland (Housing and Property Chamber) at Glasgow on 23 July 2024 before this witness.

K Donnelly

J Bauld

_____ (Witness) _____ (Legal Member)

KIRSTIE DONNELLY (Witness Name in full)

7 WEST GEORGE ST (Witness address)

GLASGOW G2 1BA

Housing and Property Chamber First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



Property Flat 1/1, 764 Pollokshaws Road, Glasgow, G412AE

Ref No: FTS/HPC/RP/20/0471

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 18 March, 17 June, 21 October 2022, 24 May 2023 and 10 January 2024 by the First-tier Tribunal for Scotland (Housing Property Chamber). Following a hearing after the initial inspection, a Repairing Standard Enforcement Order (RSEO) was issued to the parties by both

email and by post. Following each of the subsequent re-inspections, the Tribunal identified that all or parts of the work specified within the RSEO remained outstanding.

Access:

A fifth re-inspection of the subject property was arranged for Friday 19 July 2024 at 10.00 am. I arrived at the property at 10.00 am and met Mr. James Bauld, the legal member of the Tribunal. Access to the property was provided by Mr Mazar Farooq, a representative of the landlord.

The tenant/applicant is no longer in occupation. The property was vacant although partially furnished. Weather conditions at the time of the inspection were dull and overcast. Both Tribunal members left the property at 10.15 am.

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repairing Standard Enforcement Order had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

- (1) Instruct a SELECT, NICEIC or NAPIT registered electrician to carry out a full inspection of the electrical wiring, installations and apparatus throughout the Property and to repair or renew any parts which are identified in said report to be of Category C1 or C2 to ensure the installation and apparatus is fully functioning and meets current regulatory standards and provide an EICR to the tribunal confirming that the installations, apparatus and wiring meet current regulatory standards;
- (2) To produce a valid and up to date Gas Safety certificate in respect of the property as required by the Gas Safety (Installation and Use) Regulations 1998 confirming that the property meets the requirements of those regulations
- (3) Instruct a Gas Safe registered engineer to undertake a full inspection of all gas fittings and appliances within the property (with particular reference to the boiler and cooker in the kitchen) and to repair and renew any parts which are identified within the report, including the “final check results” section of the report, as required, to ensure the fittings and appliances are fully functioning and meets current regulatory standards
- (4) Instruct a suitably qualified contractor to inspect those areas of damp in the bathroom, specifically around and below the WC and wash hand basin, identify the source and complete all necessary repairs to ensure that the property is dry

- (5) carry out repairs to the shower within the bathroom to ensure it is in a reasonable state of repair and in proper working order
- (6) carry out repairs (or if necessary replacement) to the WC to ensure it does not leak when flushed.
- (7) Install smoke detectors within the living room and hall and a heat detector in the kitchen, ensuring that they meet the requirements contained in the with the Housing (Scotland) Acts 1987 and 2006

Outstanding Repairs and items in RSEO wef 24 May 2023:

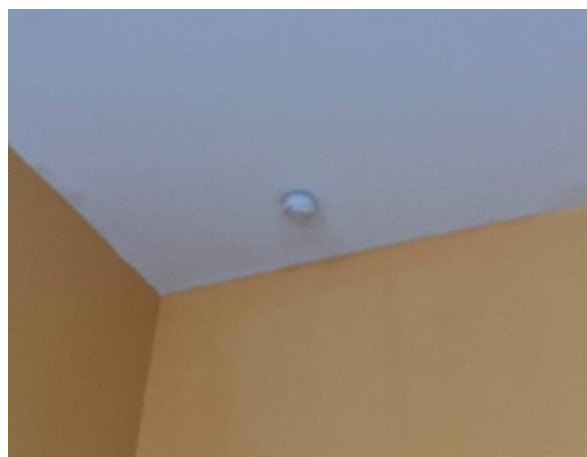
Following the re-inspection on 10 January 2024, the only outstanding item in the RSEO was item (7).

“Install smoke detectors within the living room and hall and a heat detector in the kitchen, ensuring that they meet the requirements contained in the with the Housing (Scotland) Acts 1987 and 2006”.

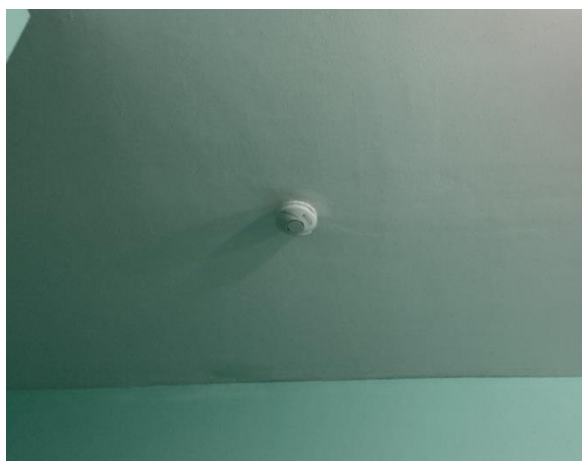
Site Observations:



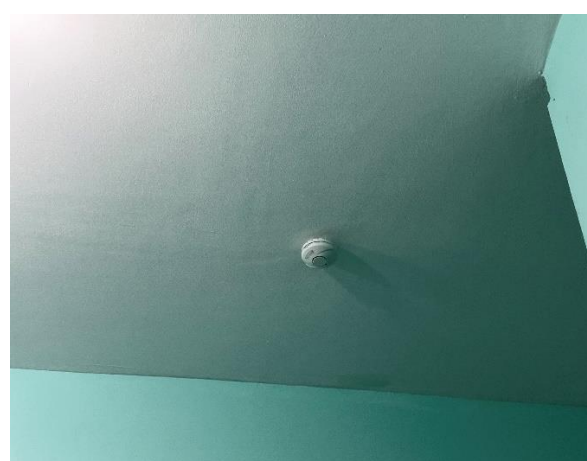
10 January 2024 - Living Room



19 July 2024 - Living Room



10 January 2024 – Hall



19 July 2024 - Hall



10 January 2024



19 July 2024

During the re-inspection, the Tribunal identified that ceiling mounted smoke detectors have been erected in the hall and living room and a ceiling mounted heat detector fitted in the kitchen. They were tested and established to be inter connected.

Outstanding Repairs and items in RSEO:

There are no outstanding items or repairs relative to the Repairing Standard Enforcement Order.

Comment

This re-inspection report should be considered as an appendix to the final Decision of the Tribunal as prepared following the re-inspection of the property undertaken on Friday, 19th July 2024.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
19 July 2024

