

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

Reference number: FTS/HPC/RP/23/4288

Re: Property at 14G Keptie Street, Arbroath, DD11 1RG (“the Property”)

Title Number: ANG61429

The Parties:

Miss Leigh Hamilton, residing at 14G Keptie Street, Arbroath, DD11 1RG (“The applicant”)

Discovery Estates No2 Limited (formerly known as FTP Angus Ltd), a company incorporated under the Companies Acts and having their registered office at 165 Brook Street, Broughty Ferry, Dundee, Scotland, DD5 1DJ (“The Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

David Godfrey (Surveyor Member)

Unanimous Decision of the Tribunal

The First-tier tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 22 April 2024 has been completed. Accordingly, the said Repairing Standard Enforcement Order is discharged.

Background

1. On 22 April 2024 the First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’) issued a decision requiring the Landlord to comply

with the repairing standard enforcement order ("RSEO") made by the tribunal the same day.

2. The Repairing Standard Enforcement Order ("RSEO") required the Landlord to

1. Repair or replace all the defective windows on the upper floor of the property.
2. Refit the carpets throughout the property, securing them adequately.
3. Repair or replace the kitchen units.
4. Repair or replace the mechanical extractor fans in both the kitchen and the bathroom.
5. Repair the leak at the rear of the toilet in the bathroom.
6. Refit and rehang the entrance close door so that it fits securely, ensuring the locking mechanism is properly engaged.
7. Provide the First-tier Tribunal for Scotland (HPC) with an up to date and clear EICR and PAT prepared by a suitably qualified SELECT, NICEIC or NAPIT registered contractor.

All within 30 days of service of the RSEO.

Reinspection

3. On 19 August 2024 Tribunal members reinspected the property. A reinspection report was circulated to the parties for their comments.

4. On 26 August 2024 the applicant vacated the property, and the tenancy ended. The applicant is no longer a party to this application.

5. When tribunal members reinspected the property, they found the following works had been carried out

1. The window in attic floor Bedroom 1 had been replaced and the window in attic -floor Bedroom 2 had been overhauled.
2. The Kitchen units have been repaired although the drawer below the draining -board is slightly stiff.
3. The mechanical extractor fans in both the Kitchen and Bathroom have been repaired and are both operational.

4. The leak at the rear of the toilet has been repaired.
 5. A clear EICR prepared by Ross Fenton dated 18/03/2022 was provided.
6. Tribunal members found that the following works were outstanding
1. There is still no means of operating the landing window from the landing.
 2. The carpets have not been adequately secured.
 3. The door to the entrance close is still not functioning satisfactorily.
 4. The EICR does not post-date the date of the Tribunals initial inspection and evidence of Portable Appliance Testing has not been provided.

Compliance

7. By emails dated 03 and 17 September 2024 the respondent's solicitor sent to the tribunal satisfactory evidence that the outstanding works had been completed.
8. The tribunal is now satisfied that the work required by the RSEO have been completed.

Decision

9. The tribunal therefore decided to issue a certificate of completion of works in terms of s.60 of the Housing (Scotland) Act 2006.

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.

Signed P Doyle
Legal Member

7 October 2024