

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 Section 26

Chamber Ref: FTS/HPC/RP/17/0078

Title Number: REN 112837

4B Woodbank Crescent, Johnstone, PA5 8ER (“the Property”)

Parties:

Ms Leeanne Reilly, formerly of 4B Woodbank Crescent, Johnstone, PA5 8ER (“the former Tenant”)

Mr Alan Hayes, 4 Ollach, Erskine, PA8 7EU (“the Landlord”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Lori Charles (Ordinary Member)

This decision should be read in conjunction with the the Tribunals decision of 26 November 2017.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement order (“RSEO”) dated 9 May 2017 determined that the Landlord has complied with the RSEO and that a certificate of completion to that effect should be issued.

Background

1. The former tenant made an application to the Tribunal in terms of Section 22 of the Housing (Scotland) Act 2006. Following an inspection and hearing on 3 May 2017, the Tribunal issued a decision with statement of reasons and RSEO on 19 May 2017. There were ten aspects to the

order, numbered (a) to (j).

2. The Ordinary Member of the Tribunal re-inspected the property on 11 August 2017. A re-inspection report was issued to the parties on 23 August 2017. This report indicated that the Landlord had carried out work at the property and had complied with Parts (a) to (d), (f), (g) and (j) of the Order. However, the Landlord had failed to provide an Electrical Installation Condition Report (Part (e)), Pest control report (Part (h)) and Gas safety certificate (Part (i))
3. On 26 November 2017, the Tribunal determined that the Landlord had failed to comply with the RSEO and issued a written decision with statement of reasons and a Rent Relief Order ("RRO").
4. Between 2 and 23 October 2024, The Tribunal received a number of emails from the Landlord and his solicitor. These indicated that the property was due to be sold and that all work had been completed. They requested that a certificate of completion be issued and said that this was required for the property to be sold. On 11 October 2024, the Landlord submitted the following documents
 - (a) An electrical installation condition report (EICR) dated 10 October 2024 from a SELECT accredited electrician.
 - (b) A gas safety certificate dated 10 October 2024, from a Gas Safe registered engineer.
 - (c) A pest control inspection report dated 8 October 2024, which states that there was no evidence of pest activity at the property at the time of the inspection

Findings in fact

5. The Landlord has submitted an EICR in satisfactory terms from a SELECT accredited electrician.
6. The Landlord has submitted a gas safety certificate in satisfactory terms from a Gas Safe registered engineer.
7. The Landlord has submitted a pest control report in satisfactory terms.

Reasons for decision

8. The Tribunal considered the submissions and documents lodged by the Landlord and noted that he has now provided the reports specified in Parts (e), (h) and (i) of the RSEO. In their decision dated 26 November 2017, the Tribunal determined that the Landlord had complied with all

other aspects of the Order. The Tribunal considered the reports that have been lodged and is satisfied that these are in satisfactory terms.

Decision

9. The Tribunal determined that the Landlord has complied with the RSEO issued by the Tribunal and that a certificate of completion to that effect should be issued. The Tribunal also determined that the Rent Relief Order dated 26 November 2024 should be revoked.

10. The decision of the Tribunal is unanimous.

Right of Appeal.

A Landlord, Tenant or Third-party applicant 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.

In terms of Section 63 of the Act, 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.

J Bonnar

24 October 2024