

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 24 (1)

Chamber Ref: FTS/HPC/RP/23/4505

**24 Ground Left, West Street, Dundee DD3 6SB
("The Property")**

The Parties:-

**Mr Nicholas Kerry, 24 Ground Left, West Street, Dundee DD3 6SB
("the Tenant")**

**Area Estates Limited, C/O Hamways Ltd, 104 Station Road East, Oxted,
Surrey RH8 0QB
("the Landlords") represented by Pavillion Properties, 86 Bell Street,
Dundee DD1 1HN**

Tribunal Members

Graham Harding (Legal Member)

Andrew Murray (Ordinary Member)

Decision

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 4 April 2022 has been completed. Accordingly, the said Repairing Standard Enforcement Order is discharged and the Rent Relief Order dated 10 September 2024 is ended.

Background

1. On 17 May 2024 the tribunal issued a decision requiring the Landlord to comply with the repairing standard enforcement order ("RSEO") made by the tribunal on 17 May 2024. On 10 September tribunal members re-inspected the property. 2 (2) The Repairing Standard Enforcement Order ("RSEO") required the Landlord:
 - (a) To instruct reputable contractors to identify all sources of ongoing water ingress at the property and carry out all necessary repairs and reinstate and redecorate all affected fabric.

- (b) to ensure the electrical installations at the property are in compliance with the current requirements of the repairing standard and provide the Tribunal with a current Electrical Installation Condition Report by a qualified electrical contractor registered with SELECT or NICEIC or NAPIT and containing no category 1 or 2 defects.

The Tribunal established repairs to remedy the water ingress had been carried out and some redecoration had taken place but had not been completed and to the electric circuits no current EICR been produced as had been required in terms of the RSEO. At the hearing following the re-inspection which was attended by the Tenant and his mother but not by the Landlord's representatives the Tribunal heard from the Tenant who expressed concern that the redecoration of the cupboard in the hall had not been carried out and the decoration in the hall was in his opinion sub-standard. The Tenant also said that he had not received a current EICR and was therefore concerned about the safety of the electrics in the property.

2. Following the hearing the tribunal found the Landlords had failed to comply with the RSEO and issued a Failure to Comply Decision and imposed a Rent Relief Order ("RRO") both dated 10 September 2024.
3. By email dated 22 September 2024 the Landlord's representatives sought a review of the tribunal's decision of 10 September and offered an explanation for their failure to attend the hearing on 10 September. The Landlord's representatives also submitted a copy of a current EICR containing no category 1 or 2 defects and advised that outstanding redecoration of the hall and hall cupboard would be undertaken.
4. By email dated 25 September 2024 the Tenant's representative, Mrs Carol Berkeley commented on and objected to the application for review. She also confirmed that the redecoration work had been completed.
5. The tribunal having considered the application for review refused it as being entirely without merit for the reasons given in its decision dated 21 October 2024.
6. Having carefully considered the documents and submissions provided on behalf of both parties and the terms of the RSEO the tribunal was satisfied that the requirements of the RSEO had been met in full and determined to issue a Certificate of Completion and end the RRO.

Decision

7. 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

- 8. 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.**

- 9. 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

Signed

Date 21 October 2024
Chairperson