



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26(1) of the Housing (Scotland) Act 2006 (“the Act”)

Chamber Ref: FTS/HPC/RP/23/1995

Re: Property at 139b Union Street, Aberdeen, AB11 6BH being subjects registered in the Land Register of Scotland under Title Number ABN148907 (“the Property”)

Parties:

Claymore Homes Ltd, Neo House, Riverside Drive, Aberdeen, AB11 7DG (“the Landlord”); and

Mrs Linda Leung, 139b Union Street, Aberdeen, AB11 6BH (“the Tenant”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Angus Anderson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), with reference to the Repairing Standard Enforcement Order (“RSEO”) dated 2 November 2023 and, having considered the application by the Landlord for a Certificate of Completion of Works and the outcome of the Tribunal’s subsequent further enquiries in this regard, the Tribunal determined that a Certificate of Completion of Works should be issued in terms of Section 60(4) of the 2006 Act. The Tribunal further determined to revoke the rent relief order made on 29 April 2024 in terms of section 27(4) of the 2006 Act.

Background

- 1 Reference is made to the decision of the Tribunal dated 2 November 2023 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act, in that they had failed to comply to ensure that the property met the Repairing Standard. The Tribunal therefore made a RSEO. The works required by the RSEO were:-



- (i) Carry out such works as may be necessary to ensure that the two bedroom windows and the left hand window in the living/kitchen area can be fully opened; and
- (ii) Carry out such works as may be necessary to ensure that the window in the ensuite bedroom can be held open securely.
- (iii) As soon as possible, to install carbon dioxide monitors in the bedrooms of the property.

The Tribunal ordered that the works be completed within a period of twelve weeks from intimation of the RSEO on the parties. A copy of the decision and RSEO was intimated on both the Landlord and the Tenant on 17 November 2023.

- 2 The Tribunal re-inspected the property on 11 April 2024. Following the re-inspection the Tribunal concluded that the Landlord had failed to comply with the works required by part (i) of the RSEO. The Tribunal therefore determined to make a rent relief order in the amount of 20% of the monthly rent. Reference is made to the decision of the Tribunal dated 29 April 2024 in this regard.
- 3 The Tenant requested permission to appeal the decision in respect of the rent relief order. Permission to appeal was refused by the Tribunal on 4 July 2024. The Tenant subsequently stated that she was applying directly to the Upper Tribunal for permission to appeal, however the Tribunal received no notification from the Upper Tribunal to confirm that she had done so.
- 4 On 19 November 2024 the Tribunal received an email from DJ Alexander on behalf of the Landlord. DJ Alexander advised that they understood from the Tenant that the works had been completed and confirmed that they had requested proof of this from the Landlord. On 6 December 2024 the Tribunal received an invoice from DJ Alexander for the replacement windows.
- 5 On 9 December 2024 the Tribunal wrote to the Tenant by email asking her to confirm if the works required by the RSEO were now complete. The Tenant responded by email on 10 December 2024 to confirm that the works had been successfully completed after some delay.



Reasons for decision

- 6 The Tribunal was satisfied based on the written representations from the parties that the works required by the RSEO have now been completed in full. Based on the nature of the works the Tribunal did not consider it necessary to carry out any further inspections of the property and considered it was able to satisfy itself based on the representations provided by the parties.
- 7 The Tribunal therefore determined to issue a certificate of completion under section 60(4) of the Act and to revoke the rent relief order.
- 8 The decision of the Tribunal was unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (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 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 determined.

R O'Hare

17 January 2025

~~Legal~~ Member/Chair

Date