

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Statement relative to the Certificate of Completion issued by the Tribunal in terms of section 60 of the Housing (Scotland) Act 2006**

**Chamber Ref: FTS/HPC/RP/17/0014**

**Sasine ref: Ground with Easterknowe House thereon, part of lands and estate of Stobo excepted from subjects referred to and delineated and coloured pink in plan annexed to disposition in favour of Hugh Leopold Seymour and another recorded 4 August 1988 under exception from a larger part of Easterknowe in the Parish of Stobo referred to in disposition in favour of William Jay Ducas and another recorded 12 October 1990**

**Property at West Lodge, Stobo, Peebles, EH45 8NY  
("The Property")**

**The Parties:-**

**Miss Carol McMillan, residing at the Property  
("the Tenant")**

**Mr Hugh Seymour, Home Farm House, Stobo, Peebles, EH45 8NX  
("the Landlord")**

**Committee:**

**Mr Maurice O'Carroll (Legal Member and Chair)**

**Mr Nick Allan (Ordinary Member) (Surveyor)**

**Decision**

**The Tribunal having made such enquiries as was appropriate for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") relative to the Property and taking into account subsequent inspections by the Ordinary Member, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.**

1. By decision dated 18 May 2017, the Tribunal issued a determination that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in that he had failed to ensure that:

(a) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working

order in terms of section 13(1)(b) of Act.

2. The Tribunal thereafter issued an RSEO. The RSEO required the Landlord to:
  - (a) Repair or replace the porch to the Property to ensure that it is wind and water tight, safe and secure with a functioning entrance door, using appropriate modern materials to replace existing and to comply with any necessary building consents;
  - (b) Repair or replace the guttering to the Property to ensure that it does not result in water ingress into the porch as referred to in the said decision;
  - (c) Re-install the electrical installations in the porch area of the Property and ensure that they are safe and installed in accordance with current safety guidance;
  - (d) Unblock the drain to the rear of the Property adjoining the kitchen and carry out such further works as are reasonably necessary to safeguard against further recurrence, whether after obtaining a specialist report and implementing its recommendations or otherwise.
3. The RSEO allowed the Landlord a period of two calendar months to complete the works required.
4. On 27 July 2017 at request of the Landlord, the Tribunal varied the RSEO to permit further time to carry out the works required in terms thereof. The variation permitted the Landlord until 31 August 2017 to carry out the necessary works.
5. A reinspection was carried out by the Ordinary Member of the Tribunal after the expiry of the renewed deadline, on 15 September 2017. His report dated 25 September 2017 indicated that items (a) to (c) of the RSEO had not been completed in the respects noted within said report.
6. On 11 October 2017, following a request from the Tribunal, the Tenant confirmed that the necessary works had not yet been completed.
7. A Failure to Comply decision was made by the Tribunal on 30 October 2017. At the same time a decision to issue a Rent Restriction Order was made to the extent of 90% of the rent that was otherwise payable. On 2 November 2017, a Notice to the Local Authority was sent, advising it of the said failure to comply with the RSEO.
8. On 23 November 2017, agents for the Landlord wrote to the Tribunal to indicate that the remaining works to the Property required by the RSEO had been completed.
9. On 11 January 2018, the Ordinary Member attempted a re-inspection of the Property but was unable to obtain access.

10. On 23 February 2018, the Ordinary Member attended the Property and carried out a further re-inspection. He found that the porch at the Property had been rebuilt and that the other requirements of the RSEO had been met. A copy of the said re-inspection report is appended to this decision.
11. In light of the above, the Tribunal is satisfied that all requirements contained within the RSEO have now been carried out.

### **Decision**

12. The Tribunal's decision was therefore to discharge the RSEO and to grant the Certificate of Completion in terms of section 60 of the Act. That decision was unanimous.

### **Right of Appeal**

13. **A landlord or tenant aggrieved by this decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them**

### **Effect of section 63 of the 2006 Act**

14. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

**M O'Carroll**

Legal Member and Chair

Date: 22 March 2018