

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber)

Statement of Decision under sections 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0040

Subjects at 96 Ashgrove Road West, Aberdeen, AB16 5BD

The Parties:-

Hassan Ghanduri, formerly residing at 96 Ashgrove Road West, Aberdeen, AB16 5BD (“the former Tenant”)

and

Mr Samuel Ahamefule, Staff House, Woodend Hospital, Eday Road, Aberdeen (“the Landlord”)

The Tribunal:-

Mrs Ruth O’Hare (Legal Member)

Mr Colin Hepburn (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) unanimously determined that the works required by the Repairing Standard Enforcement Order (“RSEO”) had not been completed and refused to issue a Certificate of Completion of Work at this time.

Background

1. Reference is made to the decision of the Private Rented Housing Committee (“the Committee”) dated 20 June 2016 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that he had failed to ensure that the Property met the Repairing Standard. On the same date the Committee issued an RSEO in respect of the property. The works required by the RSEO were:-
 - a. Instruct a professional window installer to carry out a full inspection of all windows in the property and carry out any works identified to ensure the property is wind, watertight and in a reasonable state of repair;
 - b. Repair or replace the toilet seats in both the downstairs washroom and the upstairs bathroom;

- c. Repair or replace the shower screen in the upstairs bathroom to prevent water spillage and carry out works to reinstate the bathroom flooring and kitchen ceiling as required;
- d. Replace the surround for the sink in the upstairs bathroom so that it is secure and fit for purpose;
- e. Instruct a gas safety certificate from a GasSafe registered contractor and carry out any works identified to ensure the installations within the property for the supply of gas are in a reasonable state of repair and in proper working order;
- f. Instruct an inspection report from a qualified electrician and carry out such works identified in the report to ensure the installations within the property for the supply of electricity are in a reasonable state of repair and in proper working order;
- g. Carry out repair to the oven and cooker hob to ensure both are in proper working order;
- h. Carry out works to the summerhouse to repair the roof;
- i. Repair the gate in the front garden to ensure it closes properly;
- j. Carry out the necessary works to resecure the loose and damaged section of the concrete copings pertaining to the walls in the back and front garden;
- k. Repair the door bell;
- l. Repair or replace the side door to the garage to ensure it is fully functional;
- m. Repair the corroded hand rails in the front garden; and
- n. Carry out all works required to make good decoration in the property following the above works.

The RSEO gave the Landlord three months to carry out the works.

- 2. Following its decision of 20th June 2016 the Tribunal was made aware that the Tenant had vacated the property.
- 3. On 1st December 2016, jurisdiction in respect of the application passed to the Tribunal.
- 4. Reference is made to the decision of the Committee dated 18 January 2017 which determined that the Landlord had failed to comply with the RSEO.
- 5. On 7 April 2018 the Landlord wrote to the Tribunal intimating that all works under the RSEO had been completed and requesting a further re-inspection.

6. On 9th May 2018 the Ordinary Member carried out a re-inspection of the property. The Landlord was not present however he was represented by Mr Terry Eden who allowed access. The Ordinary Member noted the following works were outstanding under the RSEO:-
 - a. The windows had not been inspected or repaired. In particular some of the bedroom windows had missing handles;
 - b. The front garden gate had not been repaired
 - c. The loose and damaged sections of concrete copings in front and back gardens had not been repaired.
 - d. The doorbell did not work.
 - e. The corroded handrails to the front garden had not been repaired.
 - f. Redecoration of the property had not been completed with holes to some plasterboard walls remaining.

Photographs were taken at the re-inspection and a copy of the re-inspection report is produced herewith and referred to for its terms.

7. The Landlord received a copy of re-inspection for comment. In response, he conceded that works were outstanding and advised that he had been let down by one of his contractors.

Reasons for the decision

8. The Tribunal was satisfied having regard to the findings of the re-inspection and the representations from the Landlord that substantive works required by the RSEO remain outstanding. Accordingly the Tribunal determined not to issue a certificate of completion at this time.
9. The Tribunal would recommend the Landlord provide a further update once the remaining works have been completed at which point a further re-inspection can be arranged and the matter considered again by the Tribunal. The Tribunal would also wish to remind the Landlord that it is a criminal offence to re-let the property whilst the RSEO is still in place.
10. The decision of the Tribunal was unanimous.

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.

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

Ruth O'Hare
Chairperson

26 June 2018