

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of Completion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/13/0106

Re: Float Farm House, Sandhead, Stranraer, DG9 9LF being the subjects registered in the Land Register of Scotland under Title Number WGN8087 ('The Property')

The Parties:

Brian Milligan residing formerly at Float Farm House, Sandhead, Stranraer, DG9 9LF ('The former Tenant')

Mr and Mrs Service, residing at Moorpark Farm, Sandhead, Stranraer, DG9 9LH ('The Landlords')

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Committee, ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Donald Wooley (replacing the original ordinary member) (Ordinary Member).

CERTIFICATE OF COMPLETION

1. The Tribunal hereby certifies that the works required by the **Repairing Standard Enforcement Order dated 12th March 2014 ('RSEO') which required the Landlords to:**

'(i) Repair or replace all the wooden windows (except the velux windows) to render them wind and watertight.

(ii) Repair or replace the front and back doors to render them wind and watertight.

(iii) Repair and clean (or replace if necessary) all gutters to render them in proper working order.

(iv) Repair or replace all the timber eaves on the two front dormers to render them wind and watertight.'

Have been Completed.

Appeals

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.

In Witness whereof these presents typewritten on this and the preceding page are executed by Jacqui Taylor, Solicitor, Chairperson of the Tribunal at Glasgow on 7th November 2017 before the undernoted witness:

J Taylor

Signed.....

Chairperson,

M Morton

.....witness:

1, Atlantic Quay
Glasgow

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/13/0106

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The Parties:

Brian Milligan residing formerly at Float Farm House, Sandhead, Stranraer, DG9 9LF ('The former Tenant')

Mr and Mrs Service, residing at Moorpark Farm, Sandhead, Stranraer, DG9 9LH ('The Landlords')

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Committee, ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Donald Wooley (replacing the original ordinary member) (Ordinary Member).

Decision

The Tribunal, having considered the Landlords' representations for the purposes of determining whether the works specified in the Repairing Standard Enforcement Order had been completed determined that the required works had been completed and the order should be certified as having been completed.

Background

- 1. The Private Rented Housing Committee ('the Committee') issued a Repairing Standard Enforcement Order dated 12th March 2014 ('RSEO') in respect of the Property which required the Landlords to:-**
 - '(i) Repair or replace all the wooden windows (except the velux windows) to render them wind and watertight.**
 - (ii) Repair or replace the front and back doors to render them wind and watertight.**
 - (iii) Repair and clean (or replace if necessary) all gutters to render them in proper working order.**

(iv) Repair or replace all the timber eaves on the two front dormers to render them wind and watertight.'

2. The RSEO specified that these works must be carried out and completed by 31st May 2014.
3. On 11th September 2015 the Committee determined that the date for completion of the works should be extended to 11th September 2016.
4. On 1st September 2016 the Landlords applied to the Committee for the RSEO be varied as they explained that the Property was undergoing renovation works. The Committee accepted the landlords' application and varied the RSEO to extend the date for completion of the works to 11th September 2017.
5. On 1st December 2016 jurisdiction of the Private Rented Housing Panel passed to The Housing and Property Chamber.
6. On 5th October 2017 the Ordinary Member of the Tribunal carried out an inspection of the Property for the purpose of ascertaining whether the repairs required by the RSEO had been completed. He found that the Property had been extensively renovated and the required works had been completed. His inspection report dated 5th October 2017 is annexed and executed as relative hereto

Decision

7. The Tribunal being satisfied that the terms of the RSEO had been satisfactorily completed determined to certify that the terms of the RSEO had been completed.
8. The decision of the Tribunal was unanimous.

9. Appeals

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.

J Taylor

**Signed.....
Chairperson**

..... Date 6th November 2017

Housing and Property Chamber

First-tier Tribunal for Scotland



6/11/17

J Taylor

First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



Property Float Farm House, Sandhead, Stranraer, DG9 9LF

Ref No: PRHP/RP/13/0106

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was originally inspected on 11th March 2014 by the Private Rented Housing Committee. A Repairing Standard Enforcement Order was served on 12th March 2014. A Notice of Variation was served on 11 September 2015. Following an application by the landlord to have the RSEO varied or revoked, the Committee re-inspected the property on 28th September 2016, held a subsequent hearing and issued a second Notice of Variation extending the period allowed for the completion of all works to 11th September 2017.

The Private Rented Housing Committee, as part of the Private Rented Housing Panel, was subsequently replaced by the First-tier Tribunal for Scotland (Housing Property Chamber) with effect from 1st December 2016.

Access:

A re-inspection of the subject property was arranged for Thursday 5th October 2017 at 11.00 am. I arrived at the property shortly before the appointed time and confirmed my arrival with the scheduling section at 1 Atlantic Quay Glasgow by telephone. Access was provided by the landlord, Mr Charles Service. At the time of inspection there was no one in residence and the property was unfurnished.

I left the property at 11.30 am and confirmed my departure with administration.

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the original Repairing Standard Enforcement Order, as amended in the subsequent Notices of Variation, had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

The following works were required to be completed by the landlord in accordance with the Repairing Standard Enforcement Order:-

1. Repair or replace all the wooden windows (except the velux windows) to render them wind and watertight.
2. Repair or replace the front and back doors to render them wind and watertight.
3. Repair and clean (or replace if necessary) all gutters to render them in proper working order.
4. Repair or replace all the timber eaves on the two front dormers to render them wind and watertight

Site Observations:

1. All of the windows have been renewed and are in good working order



Replacement windows - 05/10/17

2. The original front door has been removed and the former opening has been enclosed with brick/block-work at the lower level. The remainder of the original door opening comprises a newly installed window. The rear door has been renewed with a modern double glazed replacement and is in good working order

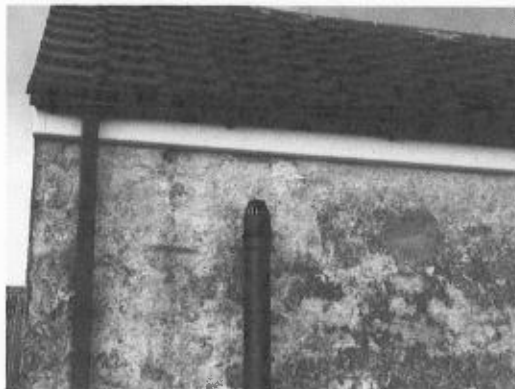


Former front door opening – 05/10/17



Rear door – 05/10/17

3. The gutters have been renewed with PVC replacements and are in good working order



Replacement Gutters – 05/10/17

4. The former front dormers have been removed and renewed with modern PVC double glazed replacements



Replacement Dormers – 05/10/2017

Outstanding Repairs:

There are no outstanding repairs relating to the original Repairing Standard Enforcement Order or its subsequent variations.

Comments:

I confirm having undertaken the re-inspection of the property on 5th October 2017. The original surveyor, present at both of the previous inspections is no longer available. My observations are therefore based on what was visible during my inspection together with the information provided to me via the original/subsequent Determinations and RSEO as subsequently varied.

Major structural alterations have been completed to the property since the original inspection. Works are currently nearing completion although I was informed that as at the date of inspection there was no completion certificate in respect of the alterations.

This report will be passed to the parties for comment before being submitted to the First-tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
05 October 2017