

Housing and Property Chamber

First-tier Tribunal for Scotland



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/17/0124

**Re: 33 Hatton Green, Glenrothes, Fife, KY7 4SD, being 0.0164 ha with house etc. as referred to in the feu disposition to Alexander Moodie Black Crichton and another, recorded in the General Register of Sasines applicable to the county of Fife on 25 September 1985 (Search sheet 84898)
("the Property")**

The Parties: -

**Miss Michelle Ness, formerly residing at the Property
(represented by Mrs Christine Hay, Environmental Health Office, Fife Council, Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LY
("the Tenant"))**

**Mr Auyub Ali, 17 Drumlie Gardens, Glenrothes, KY7 4TE
("the Landlord")**

The Tribunal

**Mr Maurice O'Carroll (Legal Member and Chair)
Mr David Lawrie (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 10 July 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").**
- 2. On the same date, the Tribunal issued an RSEO. The RSEO required the Landlord to:**

- (a) Engage the services of a competent and suitably qualified roofing contractor to investigate the cause of the mould staining in the main bedroom and carry out all remedial works recommended to ensure that the cause is removed; and thereafter redecorate to hide staining;
 - (b) Reinstate the decoration in the downstairs toilet with tiling to match existing or suitable alternative finishing;
 - (c) Install a suitable handrail in the lower part of the internal staircase;
 - (d) Replace the gate to the rear garden fence;
 - (e) Re-attach the coping stone on the garden wall to the rear of the Property with mortar or other suitable fixing agent;
 - (f) Repair or replace the rear mutual garden fence between the Property and the neighbouring house.
3. The RSEO allowed the Landlord a period of two calendar months to complete the works required.
 4. On 27 October 2017, the Ordinary Member of the Tribunal re-inspected the Property and found that all of the requirements of the RSEO had been completed. The Ordinary Member therefore produced a report dated 30 October 2017 which confirmed those findings. A copy of that report is appended to the present decision
 5. Subsequently, on 12 December 2017, the Landlord produced an EICR which indicated that there were no category C actions reported. On the same date, he also produced a Gas Safety Certificate, both following a Direction issued by the Tribunal on 28 October 2017.
 6. In light of the above, the Tribunal was satisfied that all requirements contained within the RSEO had been carried out.

Decision

7. 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

8. **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

9. 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: 21 December 2017