

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**Determination: Statement relative to Certificate of Completion of Work issued under Section 60 of the Housing (Scotland) Act 2006 as amended (“the Act”)**

**Tribunal reference: RP/16/0222**

**Re 22 Dundonald Crescent, Auchengate, Irvine, Ayrshire, KA11 5 AX being the subjects registered in the Land Register of Scotland under title number AYR85278 (‘the Property’)**

**The Parties:-**

**Mr Kenneth Taylor, sometime residing at the Property (‘The Tenant’)**

**G1 Property Investments Limited (in Administration), (SC325033) Grant Thornton UK LLP, Level 8, 110 Queen Street, Glasgow, G1 3BX (‘The Landlord’) represented by HBJ Gately, Solicitors.**

**Members of The First-tier Tribunal for Scotland Housing and Property Chamber (‘the Tribunal’): Martin J. McAllister, solicitor, legal member and Kingsley Bruce, surveyor, ordinary member.**

**Background:**

1. A private rented housing committee had made a repairing standard enforcement order (RSEO) on 16th August 2016 following upon an inspection and hearing on 8th August 2016. The Tribunal assumed responsibility for the matter on 1st December 2016.
2. The RSEO was in the following terms:
  - a) *The Landlord requires to provide to the Committee a certificate from a qualified Gas Safe Registered Engineer confirming that the installations in the Property for the supply of gas are in a reasonable state of repair and in proper working order.  
(Section 13 (1) (c) of the 2006 Act).*
  - b) *The Landlord requires to repair or replace the toilet to ensure that it functions properly and also to properly secure the cistern to the wall.  
(Section 13 (1) (c) of the Act).*

c) *The Landlord requires to ensure that heat and smoke alarms comply with the requirements of the revised Domestic Technical Handbook issued by Scottish Government's Building Standards Division (Technical Handbooks 2013:- Domestic-Fire)  
(Section 13 (1) (f) of the Act).*

d) *The Landlord requires to repair the roof and replace missing roof and ridge tiles.  
(Section 13 (1) (a) of the Act).*

e) *The Landlord requires to ensure that the rainwater goods are in efficient working order and to repair or replace where necessary.  
(Section 13 (1) (a) of the Act).*

f) *The landlord requires to repair or renew the external waste pipe from the kitchen sink.  
(Section 13 (1) (a) of the Act).*

3. There were issues with regard to the Landlord gaining access to the Property. The Tenancy was terminated and the RSEO was varied in September 2016, and April and September 2017 to allow more time for the works to be completed. Such variations were granted in accordance with Section 25 of the 2006 Act.
4. On 20<sup>th</sup> June and 4<sup>th</sup> October 2017 the ordinary member inspected the Property and found, on both occasions, that some works had been done but that there were still outstanding matters to be attended to. Copies of the ordinary member's reports are attached.
5. On 26<sup>th</sup> October 2017, Cairn Letting, on behalf of the Landlord, submitted photographs showing that certain works had been completed.
6. The Tribunal considered matters and determined that, based on the findings of the ordinary member from his inspections of the properties on 20<sup>th</sup> June and 4<sup>th</sup> October and the photographs, which demonstrated that outstanding works had been done, it would be appropriate to issue a certificate of completion in accordance with Section 60 of the 2006 Act.

In terms of section 46 of the Tribunals (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 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.

**M McAllister**

Martin J. McAllister, Solicitor,  
Legal Member of the Housing and  
Property Chamber of the First-tier  
Tribunal for Scotland.

14<sup>th</sup> November 2017

*There are the copy  
respect reports referred  
to - Decision of even date*  
M McAllister

*14/11/17*

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**Housing and Property Chamber  
First-tier Tribunal for Scotland**



**Housing and Property Chamber Re-inspection Report**

**Property:** 22 Dundonald Crescent, Auchengate, Irvine, Ayrshire, KA11 5AXRef  
**No:** PRHP/RP/16/0222

**Surveyor:** Kingsley K Bruce, MRICS

**Access:**

I re-inspected the property at 11:30 on Tuesday 20 June 2017.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

**In Attendance:**

My inspection was accompanied by a representative of the Landlord, Mr Liam Mackay of Cairn Property, the Tenant, who lodged the application and attended the previous inspection and hearing, was not present and had vacated the property.

The property was vacant and unfurnished.

**Weather:**

Conditions were generally dry and bright at the time of my re-inspection.

**Requirements of the Repairing Standard Enforcement Order (RSEO):**

The RSEO of August 2016 required the landlord, as follows:

It was also noted that the electricity meter had apparently been removed from the property by persons unknown, the smoke/heat detectors could not be tested.

**Kingsley K Bruce, MRICS**  
**Member**  
**First Tier Tribunal for Scotland**  
**Housing and Property Chamber**

**27 June 2017**

**PHOTOGRAPHS TAKEN AT TIME OF RE-INSPECTION:**





# Housing and Property Chamber First-tier Tribunal for Scotland



## First Tier Tribunal for Scotland- Housing and Property Chamber Re-inspection Report

**Property:** 22 Dundonald Crescent, Auchengate, Irvine, Ayrshire, KA11 5AXRef  
**No:** PRHP/RP/16/0222

**Surveyor:** Kingsley K Bruce, MRICS

### **Access:**

I re-inspected the property at 09:00 on Wednesday 4 October 2017.

The interior of the house was inspected visually, whilst standing at floor level within the various rooms, the exterior, whilst standing at ground level in the garden or on the street adjacent.

### **In Attendance:**

My inspection was accompanied by two representatives of the Landlord's Agent, Ms Sarah Carrell and Ms Julianne Deans, both of Cairn Property Management, the Tenant, who lodged the application and attended the original inspection and hearing, was not present having vacated the property.

The property was vacant and unfurnished.

### **Weather:**

Conditions were generally overcast and showery at the time of my re-inspection.

### **Requirements of the Repairing Standard Enforcement Order (RSEO):**

The RSEO of August 2016 required the landlord, as follows:



- Smoke and heat alarms, sufficient to meet requirements for detection of fire had been installed and which appeared to be powered by mains supply.

No evidence of other works was apparent.

It was also noted that the electricity meter had apparently been removed from the property by persons unknown, the smoke/heat detectors could not be tested.

**On 4 October the following observations were noted:**

The Landlord's representative was carrying copies of various invoices, which she undertook to forward to the Tribunal post re-inspection.

- Defective/missing roof tiles had been re-instated.
- The waste pipe for the kitchen sink had been suitably re-instated.
- The WC cistern was found not to have been secured to the wall.
- Whilst works were evident to rainwater goods, these were not found to be satisfactory, water leakage was apparent and the end section of gutter was significantly displaced.

**Kingsley K Bruce, MRICS  
Member  
First Tier Tribunal for Scotland  
Housing and Property Chamber**

**10 October 2017**



