

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Certificate of completion of work: Housing (Scotland) Act 2006 Section 60**

**Chamber Ref: PRHP/RP/16/0347**

**Title no: LAN121836 in the Land Register of Scotland**

**Re: Property at 28 Burnside Court, Motherwell ML1 2BD**

**("The House")**

**The Parties:-**

**Richard Mullen and Caroline Mullen, 28 Burnside Court, Motherwell ML1 2BD**

**("the Former Tenants")**

**Andrew Struthers, Greenbank Farm, Kilncadzow, Carluke ML8 4QR**

**("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the House served on 6<sup>th</sup> March 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the House has been discharged.

**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 type written on this and the preceding page are executed by Rory A B Cowan, solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 4<sup>th</sup> July 2017 before this witness:-  
R Cowan

M Pravuljac

\_\_\_\_\_ witness

\_\_\_\_\_ chairperson

MAJ4 PRAVULJAC name in full

16 ROYAL EXCHANGE Address

SQUARE, GLASGOW,

G1 3AG

# **Housing and Property Chamber**

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

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 25(1) & 60**

**Chamber Ref: PRHP/RP/16/0347**

**Title no: LAN121836 in the Land Register of Scotland**

**Re: Property at 28 Burnside Court, Motherwell ML1 2BD**

**("The House")**

**The Parties:-**

**Richard Mullen and Caroline Mullen, formerly of 28 Burnside Court, Motherwell ML1 2BD**

**("the Former Tenants")**

**Andrew Struthers, Greenbank Farm, Kilncadzow, Carluke ML8 4QR**

**Tribunal Members**

**Rory A B Cowan, Chairperson**

**Mike Links, Ordinary (Surveyor) Member**

**Decision**

**The First-tier Tribunal for Scotland: Housing and Property Chamber (the tribunal), decided to vary the Repairing Standard Enforcement Order (RSEO) served on 6<sup>th</sup> March 2017 by:**

- Extending the period for completion of works until 30<sup>th</sup> April 2017; and**
- deleting the requirement to repair or replace the broken mirrored wardrobe door in the second bedroom.**

**Thereafter, having carried out a further inspection of the House, determined that the work required by the RSEO (as varied) had been completed and resolved to issue a Certificate of Completion.**

**The decision of the tribunal was unanimous.**

## **Background**

The original RSEO required the Landlord to complete the following work within 28 days of the service of the RSEO:

- 1) To repair or replace the bath in the bathroom of the Property to ensure that it is in a reasonable state of repair and in proper working order.
- 2) To repair or replace the broken mirrored wardrobe door in the second bedroom of the Property to ensure it is in a reasonable state of repair and in proper working order.
- 3) To install a heat alarm in the kitchen in accordance with current requirements to ensure that there is satisfactory provision for detecting fires and giving warning in the event of fire or suspected fire.
- 4) To instruct specialist heating contractors to inspect the installations for space heating within the Property, in particular in the kitchen, hallway and bathroom and identify any works required to remediate same. To carry out all works identified in the specialist report in order to ensure that such installations for space heating are in a reasonable state of repair and in proper working order. The specialist contractor's report and all invoices for work carried out to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.
- 5) To repair or replace the towel radiator in the bathroom of the Property to ensure it is in a reasonable state of repair and in proper working order.

The RSEO was thereafter varied to allow the Landlord until 30<sup>th</sup> April 2017 to complete the works and separately to delete the requirement to do the works listed in paragraph 2).

## **Reasons for the Decision**

On 10<sup>th</sup> May 2017, the Ordinary/Surveyor Member of the tribunal carried out a re-inspection of the House.

At re-inspection it was noted as follows:

- That the bath had been repaired or replaced and was now in a reasonable state of repair and in proper working order.
- A heat alarm had been installed in the kitchen of the House.
- That the towel radiator in the bathroom had been replaced and was in proper working order;
- That all required works to the installations for space heating had been carried out and the said installations are now in a reasonable state of repair and in proper working order. In particular, the dials on the kitchen radiator had been

replaced, there is a new radiator in the rear bedroom, and the hall radiator was found to be in proper working order on re-inspection.

- The built-in mirrored wardrobe in the second bedroom had been completely removed. As the House met the repairing standard on re-inspection and as the Former Tenants have vacated the House, the tribunal considered it reasonable to vary the RSEO to remove the requirement to repair the wardrobe doors.

The Landlord has therefore completed all the works required by the RSEO (as varied).

### **Right of Appeal**

**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.**

R Cowan

Signed: ...

Rory A B Cowan

Date:

4<sup>th</sup> July 2017

**Chairperson**

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

Variation of RSEO: Housing (Scotland) Act 2006 Section 25

Chamber Ref: PRHP/RP/16/0347

Title no: LAN121836 in the Land Register of Scotland

Re: Property at 28 Burnside Court, Motherwell ML1 2BD

("The House")

The Parties:-

Richard Mullen and Caroline Mullen, formerly of 28 Burnside Court, Motherwell ML1 2BD

("the Former Tenants")

Andrew Struthers, Greenbank Farm, Kilncadzow, Carluke ML8 4QR

("the Landlord")

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having determined on 31st March 2017 that the **Repairing Standard Enforcement Order** relative to the House served on 6<sup>th</sup> March 2017 should be varied, the said **Repairing Standard Enforcement Order** (RSEO) **is hereby varied** with effect from the date of service of this Notice in the following respects:-

- 1) That the following requirement in the RSEO be deleted:

"To repair or replace the broken mirrored wardrobe door in the second bedroom of the Property to ensure it is in a reasonable state of repair and in proper working order."

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

**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 type written on this and the preceding page are executed by Rory A. B. Cowan solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 4<sup>th</sup> July 2017 before this witness:-  
R Cowan

M Pravuljac

\_\_\_\_\_ witness

\_\_\_\_\_ chairperson

MAJA PRAVULJAC name in full

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