

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006

Chamber Reference number: FTC/HPC/RP/17/0543

Parties: W.W. & J. McClure Trustees (Scotland) Limited a company incorporated under the Companies Acts (Company Number SC596582) and having its registered office at Level 5 Pacific House, 70 Wellington Street, Glasgow, G2 6UA acting in terms of the Family Protection Trust granted by Helen Christine Mackie, the registered owner and landlord in terms of and for the purposes of the Housing (Scotland) Act 2006 (“the Landlord”) per its agents Jones Whyte LLP, 3rd Floor, The Connect Building, 59 Bath St, Glasgow G2 2DH (“the Landlord’s Agents”)

Property: 40, Langton Road, Pollok, Glasgow G53 5DD registered in the Land Register of Scotland under Title Number GLA86822

Tribunal Members

Karen Moore (Chairperson) and Nick Allan (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) hereby certifies that the work required by the Repairing Standard Enforcement Order in respect of the Property dated 11 April 2018 and varied by Orders dated 16 October 2018 and 15 February 2019 is complete and so discharges the said Repairing Standard Enforcement Order as varied.

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: In Witness Whereof these presents are signed by Karen Moore, solicitor, Glasgow, chairperson of the Tribunal, at Glasgow on 25 August 2021 before this witness Norman William Moore, solicitor of 1A, South Muirhead Road, Cumbernauld G67 1AX

Moore

Housing and Property Chamber

First-tier Tribunal for Scotland



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

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

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Karen Moore (Chairperson)

Nick Allan (Ordinary Member)

Decision

The Tribunal determined that the Landlord has complied with the Repairing Standard Enforcement Order made by the Tribunal dated 11 April 2018 and varied by Orders dated 16 October 2018 and 15 February 2019 in relation to the Property.

This Decision should be read in conjunction with:

Statement of Decision and Repairing Standard Enforcement Order (“the RSEO”) in respect of the Property both dated 11 April 2018, Statement of Decision and Variation of RSEO both dated 16 October 2018, Statement of Decision and Variation of RSEO both dated 15 February 2019, Statement of Decision of Failure to Comply with the RSEO dated 28 November 2019 and Case Management Discussion Notes dated 26 January 2021 and 25 March 2021

Background

1. By application received on 27 November 2017 (“the Application”), Gordon Barr formerly residing at 40, Langton Road, Pollok, Glasgow, G53 5DD as the tenant of the Property applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the then landlord had failed to comply with the duty imposed on her by

Section 14(1)(b) of the Act in respect that the Property did not meet the Repairing Standard in respect of Sections 13(1)(a), 13(1) (b) and 13(1) (d) of the Act. The Application was referred to the Tribunal, and an Inspection and Hearing were held on 6 March 2018 following which the Tribunal determined that the then landlord had failed to comply with the duty imposed on her by Section 14(1)(b) of the Act and imposed the RSEO. The Tribunal subsequently varied the RSEO to allow the then landlord to comply with the RSEO and later made a finding of failure to comply, referring the matter to Police Scotland for investigation.

Re-Inspection

2. Further information and documentation were submitted on behalf of the Landlord and, as COVID-19 compliant inspections were possible, a Re-Inspection of the Property was arranged and took place on 20 July 2021. The Re-Inspection was attended by the Surveyor Member, the Legal Member and Mrs. Mackie. The Re-Inspection Report found that the works required by the RSEO as varied had been complied with to the extent that the Property met the Repairing Standard.

Summary of the Issues

3. The issue to be determined by the Tribunal is whether or not to grant a Certificate of Completion in terms of Section 60 of the Act.

Decision of the Tribunal and Reasons for the Decision of the Tribunal

4. The Tribunal had regard to the Re-Inspection Report and, being satisfied in terms of Section 60(5)(b) of the Act that the works required by the RSEO as varied have been completed, determined that the RSEO as varied had been complied with and so granted a Certificate of Completion.
5. The decision of the Tribunal is unanimous.

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.

Signed

Moore

Karen Moore, Chairperson

Date 25 August 2021