

Housing and Property Chamber First-tier Tribunal for Scotland



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

References: PRHP/RP/15/0317 & PRHP/RP/16/0109

Re property at: Flat 4/2, 83 Candleriggs, Glasgow, G1 1LF, being the subjects registered in the Land Register of Scotland under Title Number GLA56406 ("the Property")

The Parties:-

Ms Eneida Garcia Villanueva, residing at Flat 4/2, 83 Candleriggs, Glasgow, G1 1LF ("the Tenant")

And

Mr Iain Thomson per his Agents R & G Estate Agents Limited, having their place of business at 57 Townhead, Kirkintilloch, Glasgow, G66 1NN, ("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** ("RSEO") relative to the Property, served on 24 June 2016, has been completed. Accordingly, the said RSEO relative to the Property has been discharged.

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. The party must seek permission to appeal within 30 days of the date the decision was sent to them.

In witness whereof these presents type written on this page only are executed by Andrew Cowan chairperson of the tribunal at Glasgow on 20 February 2018 before this witness:-

A Cowan

Signed
Andrew Cowan, chairperson

D Jones

..... Witness
Donna Jones, Secretary, 7 West George Street, Glasgow, G2 1BA



**Notice of Revocation of Rent Relief Order
by the Private Rented Housing Committee**

Ref: PRHP/RP/15/0317 & PRHP/RP/16/0109

Re property at: Flat 4/2, 83 Candleriggs, Glasgow, G1 1LF, being the subjects registered in the Land Register of Scotland under Title Number GLA56406 ("the Property")

The Parties:-

Ms Eneida Garcia Villanueva, residing at Flat 4/2, 83 Candleriggs, Glasgow, G1 1LF ("the Tenant")

And

Mr Iain Thomson per his Agents R & G Estate Agents Limited, having their place of business at 57 Townhead, Kirkintilloch, Glasgow, G66 1NN, ("the Landlord")

NOTICE TO ("the Landlord")

Considering that the Private Rented Housing Committee issued a Notice under Section 60 of the Housing (Scotland) Act 2006, dated 20 February 2018 certifying that the work required by the Repairing Standard Enforcement Order relative to the house dated 24 June 2016 have been completed, therefore in terms of Section 27(4)(b) of the Housing (Scotland) Act 2006 the Committee hereby revoke the Rent Relief Order in relation to the Property dated 24 November 2016 with effect from 20 February 2018.

In witness whereof these presents type written on this page only are executed by Andrew Stuart Cowan, chairperson of the Private Rented Housing Committee at Glasgow on 20 February 2018 before this witness:-

A Cowan

Signed
Andrew Cowan, Chairperson

D Jones

.....Witness

Donna Jones, Secretary, TC Young
7 West George Street, Glasgow G2 1BA

Housing and Property Chamber First-tier Tribunal for Scotland



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

Decision to grant a Certificate of Completion of work Under Section 60 of the Housing (Scotland) Act 2006

References: PRHP/RP/15/0317 & PRHP/RP/16/0109

Re property at: Flat 4/2, 83 Candleriggs, Glasgow, G1 1LF, being the subjects registered in the Land Register of Scotland under Title Number GLA56406 ("the Property")

The Parties:-

Ms Eneida Garcia Villanueva, residing at Flat 4/2, 83 Candleriggs, Glasgow, G1 1LF ("the Tenant")

And

Mr Iain Thomson per his Agents R & G Estate Agents Limited, having their place of business at 57 Townhead, Kirkintilloch, Glasgow, G66 1NN, ("the Landlord")

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order ("RSEO") dated 24 June 2016, in relation to the Property concerned, determined that the Landlord has now complied with the terms of that RSEO and that it is accordingly appropriate to grant a Certificate of Completion in terms of Section 60(5) of the Housing (Scotland) Act 2006 ("the Act"). The Tribunal also determined to revoke the Rent Relief Order ("RRO") issued by the Tribunal on 24 November 2016.

The Tribunal consisted of:-

Mr Andrew Cowan – Chairperson

Ms Carol Jones – Ordinary Member (Surveyor)

Statement of facts and reasons

1. On 24 June 2016, the Tribunal issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Act. On the same date the Tribunal issued a RSEO in respect of the property.

The RSEO made by the Tribunal required the Landlord to:-

- (a) instruct a certified Electrical Installation Condition Report ("EICR"), on the electrical installations of the Property, which check should be conducted by a suitably qualified and registered SELECT or NICEIC electrical contractor. Thereafter the Landlord is to carry out such works as may be recommended in terms of the EICR to ensure that the entire electrical installations within the Property are safe, functional and in proper working order. The Landlords are required to exhibit a copy of a final Electrical Condition Check Certificate when any necessary works are completed;
- (b) carry out such works as are necessary to provide blinds in the dining room, living room and on the mezzanine floor of the Property;
- (c) instruct a report from a damp specialist on the control and prevention of condensation in the Property and carry out such works as are recommended in this report to ensure that the Property is fit for human habitation so that it does not suffer from excessive condensation;
- (d) carry out such works as are necessary to ensure that the iron gate is repaired so that it is in a reasonable state of repair and in proper working order; and
- (e) carry out such works as are necessary to the common door to ensure that it is in a reasonable state of repair and in proper working order.

The Tribunal ordered that the works specified in the RSEO were to be carried out and completed within the period of 6 weeks from the date of service of the RSEO upon the parties.

2. On the 8 September 2016 the ordinary (surveyor) member of the Tribunal re-inspected the property and found that with the exception of paragraph (d) no works had been carried out to comply with the terms of the RSEO. A further hearing was held on the 18th November and on the 24th November 2016 the Tribunal determined that the Landlord had failed to comply with the duty imposed by section 26 (1) of the Act in relation to the requirements of the RSEO and further determined that notice of that failure should be served on the Local Authority in which the property is situated. The Tribunal further determined to make a RRO in terms of section 27 of the Act.

3. The Ordinary (Surveyor) Member of the Tribunal carried out a further re-inspection of the Property on 12 January 2018 in order to ascertain whether the work required by the RSEO had been completed.
4. The Surveyor Member of the Tribunal noted that all works required by the RSEO had been completed.
5. A copy of the written report prepared by the Ordinary (Surveyor) Member of the Tribunal, following the re-inspection of the Property on 12th January 2018, was exhibited to parties. Parties have not corresponded further with the Tribunal in relation to that re-inspection report.
6. In all the circumstances the Tribunal are satisfied that the requirements of the RSEO have been complied with, and that it is appropriate to grant a Certificate of Completion. The Tribunal are also satisfied that it is appropriate to revoke the RRO dated 24 November 2016.

Right of Appeal

7. 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. The party must seek permission to appeal within 30 days of the date the decision was sent to them.

A Cowan

Signed
Andrew Cowan, Chairperson

D Jones

.....Witness
Donna Jones, Secretary, 7 West George Street, Glasgow, G2 1BA