

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) being the statutory successor to the Private Rented Housing Committee in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (SSI 2016/337).

Certificate of completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”) issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Ref: PRHP/RP/14/0296

Title number: GLA 55963

Property: (“the property”)

The Parties:-

ANGELO BARBI, Flat 3/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD (“the tenant”)

JOHN COLQHOUN, 173 Greenhead Street, Bridgeton, Glasgow, G40 1HX (“the landlord”)

Tribunal Members:

Simone Sweeney (chairing legal member) Kingsley Bruce (ordinary surveyor member)

CERTIFICATE OF COMPLETION

The tribunal hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 1st July 2015 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

Appeal Provisions

A landlord, tenant or third party aggrieved by the 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.

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 Simone Sweeney, solicitor, 25 Cochrane Street, Glasgow, G1 1HL, legal chair of the tribunal at Glasgow on 9th November 2017 before this witness:-

S Sweeney

Chairing legal member.

S Corr

Witness.....

Case worker, First Tier Tribunal (Housing and Property Chamber) 1, Atlantic Quay,
45 Robertson Street, Glasgow, G2 8JB

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) being the statutory successor to the Private Rented Housing Committee in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (SSI 2016/337).

Statement of facts and reasons for a decision to grant certificate of completion of work under section 60 of the Housing (Scotland) Act 2006 (“the Act”) issued under the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016

Chamber Ref: PRHP/RP/14/0296

Property:

Flat 3/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD (“the property”)

Parties:

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JOHN COLQHOUN, 173 Greenhead Street, Bridgeton, Glasgow, G40 1HX (“the landlord”)

Title Number: GLA 55963

Tribunal Members: Simone Sweeney (Chairing legal member) Kingsley Bruce (Ordinary surveyor member)

Decision:

1. The Tribunal determines that the works required by the Repairing Standard Enforcement Order (“RSEO”) of 1st July 2015 have been completed and that the landlord has complied with the terms of the RSEO.
2. The Tribunal determines that the RSEO will be revoked and a certificate of completion of works in terms of Section 60 of the Act will be issued.
3. The decision of the Tribunal is unanimous.

Background

4. The Tribunal refers to the terms of the RSEO and determination of 1st July 2015 and all subsequent decisions.
5. A letter, dated, 24th May was received by the Tribunal from MSM solicitors which intimated to the Tribunal that ownership of the property had transferred from the landlord. The letter stated that,

"We are acting for Homes for Good Investments Limited who have purchased the above property from John Colquhoun on 5th May 2017.

We note that a Repairing Standard Enforcement Order was registered against the Property on 17th April 2015 while the property was presumably being let by the seller, John Colquhoun.

The property is not currently let by our clients and the Home Report which was produced when the property was being marketed for sale did not disclose any repairing issues."

6. The RSEO was intimated to MSM solicitors on 23rd June 2017.
7. On 13th July 2017, MSM solicitors confirmed that their client had completed all works required by the RSEO.
8. On 14th August 2017 the property was re-inspected by the surveyor member to ascertain whether the works required by the RSEO had been completed.
9. In attendance at the inspection was Alice Simpson, a representative of the new owners of the property. The tenant who brought the application had vacated the property some time prior to the re-inspection. The property is vacant, currently.

10. Following his inspection, the surveyor noted his findings and conclusions in a re-inspection report dated, 14th August 2017, a copy of which is attached.

11. Reference is made to the content of the surveyor's report, specifically,

"The flat had been the subject of considerable works, which had largely addressed the items required in terms of the RSEO.

- *The kitchen had been completely re-fitted-the hole in the wall has been addressed and all finishes re-instated.*
- *The bathroom has been re-fitted, the new sanitary ware, wall finishes and electric shower-points 5,6 and 7 of the RSEO have been addressed.*
- *The new Owner has provided an Electrical Inspection Condition Report to the Tribunal.*
- *No evidence of water ingress or issue with the windows was found at the time of re-inspection, it is not known what action may have been undertaken in relation to same."*

12. A copy of the surveyor's report was intimated to the owner. There has been no response to the report of 14th August 2017.

Findings of the Tribunal

13. That the windows at the property were wind and water tight and fully operational, all as required by section (1) of the RSEO.

14. That an Electrical Inspection Condition Report had been produced following an inspection of the property. The report identified no issues outstanding with the electrical services at the property; that the report satisfies the terms of parts (3) (7) and (8) of the RSEO.

15. That the Electrical Inspection Condition Report identified no issues with the ceiling light and fitting; that part (2) of the RSEO has been met, therefore.

16. That the works which had been undertaken by Mr Minchella, although not undertaken in keeping with the timescales of the RSEO at section (iv), satisfied the terms of section (iii) of the RSEO.

17. That there was no evidence of condensation at the property at the time of the inspection by the surveyor on 27th June 2017.

Reason for decision

18. Having been satisfied that the works undertaken by the new owner rendered the property free of condensation, the Tribunal was satisfied that the terms of RSEO had been met. The Tribunal resolved to issue a Certificate of Completion.

Appeal provisions

19. 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.

20. 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.

S Sweeney

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Chairing legal member of the Tribunal, 9th November 2017