

**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 under Section 60 (5) (b) of the Housing (Scotland) Act 2006**

**Chamber Ref: PRHP/RP/15/0266**

**Re Flat 2L, 77 Hilltown, Dundee, DD3 7AD being the subjects registered in the Land Register of Scotland under title number ANG37809 ('the Property')**

**The Parties:-**

**Miss Coreen Morrison residing at the Property ("The Tenant")**

**Mr Rahim Faruk, 248 Fosse Road North, Leicester, LE3 5RR ("The Landlord").**

**Certificate of Completion**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 8<sup>th</sup> December 2015 has been completed. Accordingly the said Repairing Standard Enforcement is 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. 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.**

**These presents signed at Kilwinning on 13th March 2017 by Martin J. McAllister, Solicitor, Legal Member of the Housing and Property Chamber of the First-tier Tribunal for Scotland before Nicola Kelly, 83 Main Street, Kilwinning KA13 6AN.**

N Kelly

M McAllister

# 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 (the 2006 Act).**

**Chamber Ref: PRHP/RP/15/0266**

**Re Flat 2L, 77 Hilltown, Dundee, DD3 7AD being the subjects registered in the Land Register of Scotland under title number ANG37809 ('the Property')**

**The Parties:-**

**Miss Coreen Morrison residing at the Property ("The Tenant")**

**Mr Rahim Faruk, 248 Fosse Road North, Leicester, LE3 5RR ("The Landlord").**

**The tribunal: Martin J. McAllister, solicitor, legal member and David Godfrey, surveyor, ordinary member.**

**Decision:**

**The tribunal determined that a certificate of completion be issued in terms of Section 60 of the Act**

**Background:**

1. On 8<sup>th</sup> December 2015 a private rented housing committee made a repairing standard enforcement order (RSEO) in respect of the House. The members of the committee were Martin J. McAllister, solicitor, Chairman and George Campbell, surveyor.
2. The tenancy of the House has been lawfully terminated.
3. On 1<sup>st</sup> December 2016 the Housing and Property Chamber assumed responsibility for the application. The members of the tribunal dealing with the application are Martin J. McAllister, solicitor, legal member and David Godfrey, surveyor, ordinary member.
4. The RSEO was in the following terms:

**(One) The Landlord requires to provide evidence from a competent gas engineer that the gas supply has been properly and safely terminated. (Section 13(1) (a) and 13(1) (c) of the 2006 Act).**

**(Two) The Landlord requires to reinstate the kitchen by installing a sink, hot and cold water supply, suitable power points worktops and kitchen units/cupboards. (Section 13 (1) (a) and 13 (1) (d) of the 2006 Act).**

**(Three) The Landlord requires to repair or replace the W.C and Shower unit. (Section 13(1) (c) of the 2006 Act).**

**(Four) The Landlord requires to repair the kitchen ceiling and window in the bedroom (Section 13(1) (b) of the 2006 Act).**

**(Five) The Landlord requires to install appropriate heat and smoke alarms to 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 2006 Act**

**(Six) The Landlord requires to produce an electrical installation condition report prepared by a suitably competent person all in accordance with the statutory guidance. (Section 13 (1) (c) of the 2006 Act**

**In view of the nature of the failure to meet the Repairing Standard as defined in the Act, the Committee determined that the repairing standard enforcement order requires to be complied with by 30th April 2016.**

5. Numerous variations of the repairing standard enforcement order were made to allow the Landlord more time to carry out the work.
6. On 16<sup>th</sup> December 2016 the ordinary member of the tribunal inspected the House and it was noted that some work had been done and that some was still outstanding.
7. Subsequent to the inspection of 16<sup>th</sup> December 2016 a further variation of the RSEO was granted.
8. On 27<sup>th</sup> February 2017 the ordinary member carried out a re -inspection and a copy of his report and relevant photographs is attached.
9. The report discloses that all works required by the RSEO had been completed.
10. The tribunal noted that the tenancy had been lawfully terminated and, in view of the fact that the requirements of the RSEO had been complied with, considered there to be no reason to send a copy of the inspection report to the Landlord for comment. It is in the interest of the Landlord that the repairing standard order be discharged as soon as practicable

11. The tribunal considered matters, determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of 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.**

Martin J. McAllister, Solicitor,  
Legal Member of the Housing and  
Property Chamber of the First-tier  
Tribunal for Scotland.  
13th March 2017

# Housing and Property Chamber First-tier Tribunal for Scotland



## 2<sup>nd</sup> REINSPECTION REPORT



**Property:** FLAT 2/1, 77 HILLTOWN, DUNDEE DD3 7AD

**Ref no:** PRHP/RP/15/0266

**Surveyor:** David Godfrey, MRICS

**Inspection:** The property was inspected at 9.00 am Monday 27th February 2017.

**Access:** The Tenant, Miss Coreen Morrison no longer resides in the property and was neither present nor represented.

The Landlord, Mr Rahim Farouk was not present but was represented by Mr Iqbal Sakur.

### **Repairing Standard Enforcement Order:**

*Now therefore The Private Rented Housing Committee requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the Repairing Standard in terms of the Act and that any damage caused by the carrying out of any work in terms of this Order is made good.*

*In particular, the Private Rented Housing Committee requires the following:*

1. *The landlord requires to provide evidence from a competent gas engineer that the gas supply has been properly and safely terminated.*
2. *The Landlord requires to reinstate the kitchen by installing a sink, hot and cold water supply, suitable power points, worktops and kitchen units/cupboards.*
3. *The Landlord requires to repair or replace the W.C. and Shower Unit.*
4. *The Landlord requires to repair the kitchen ceiling and window ingo in the bedroom.*
5. *The Landlord requires to install appropriate heat and smoke alarms to comply with the requirements of the revised Domestic Technical Handbook issued by Scottish Governments Building Standards Division (Technical Handbooks 2013:- Domestic-Fire)*
6. *The Landlord requires to produce an electrical installation condition report prepared by a suitably competent person all in accordance with the statutory guidance.*

*In view of the nature of the failure to meet the Repairing Standard as defined in the Act, the Committee determined that the repairing standard enforcement order requires to be complied with by 30<sup>th</sup> April 2016.*

#### **General Remarks:**

A re-inspection of the property was previously carried out on 16th December 2016 at which time the following points were noted:

1. The landlord has provided confirmation that the gas supply has been properly and safely terminated. The reference number provided (51787384) was checked with Scottish Gas Networks and it was confirmed that the gas supply to the property was disconnected and made safe in April 2016.
2. The kitchen is presently being refitted.
3. The W.C. has been repaired and the shower unit is presently being replaced.
4. The kitchen ceiling and window ingo in the bedroom have been repaired.
5. Appropriate heat and smoke alarms have been installed.
6. An Electrical Installation Condition Report (EICR) in satisfactory terms has been provided.

Following the first re-inspection the following works contained within the Repairing Standard Enforcement Order were found to be outstanding:

1. The installation of the sink, hot and cold water supply, suitable power points, worktops and kitchen units/cupboards is incomplete.

2. The replacement of the shower unit is incomplete.

**Works in Repairing Standard Enforcement Order completed prior to second re-inspection:**

1. The installation of the sink, hot and cold water supply, suitable power points, worktops and kitchen units/cupboards is complete. Hot water was drawn from taps in both the Kitchen and Shower Room and the system was found to be operating satisfactorily.

2. The replacement of the shower unit is complete.

**Works in Repairing Standard Enforcement Order outstanding following second re-inspection:**

1. None.

**Photographs**



Kitchen



Shower Room (W.C.)



Shower Room (shower unit)

David Godfrey, MRICS

27th February 2017