

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Reasons for Certificate of Completion: issued under Section 60 and paragraph 6 of Schedule 2 of the Housing (Scotland) Act 2006 ("the Act").

Chamber Ref: RP/15/0326

The Property

125, Blarmore Avenue, Inverness IV3 8QT, being ground, 60 on plan, part of (I) 11.09 acres, outlined in red on plan annexed to Feu Disposition by Hugh MacRae and Company (Builders) Ltd in favour of Barratt Developments (Aberdeen) Ltd, dated 10 February and recorded in the General Register of Sasines applicable to the County of Inverness on 29 March both in the year 1978 and (II) 9.273 acres, outlined in red on the plan annexed to the Feu Disposition by Hugh MacRae and Company (Builders) Ltd in favour of Barratt Developments (Aberdeen) Ltd, dated 27 March and recorded in the said division of the General Register of Sasines on 28 June both in the year 1978 ("the property")

The Parties:-

Mrs Ada Katrina MacKenzie, residing at the property, per Alan Rooney, Citizens Advice Bureau, 103, Academy Street, Inverness IV1 1LX ("the tenant")

and

The Accountant in Bankruptcy, c/o Wylie & Bisset LLP, 168 Bath Street, Glasgow G2 4TP, as trustee on the sequestrated estate of Jean Forbes McDonald residing at 11 Kings View Terrace, Inverness IV3 TS, per Harper Macleod LLP, The Ca'd'oro, 45 Gordon Street, Glasgow G1 3PE ("the landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber), formerly the Private Rented Housing Panel (PRHP):

David M Preston, Legal Member; and Sara Hesp, Ordinary Member (surveyor) ("the tribunal")

Decision

The tribunal determined to issue a Certificate of Completion under section 60 of the Act and to revoke the Repairing Standard Enforcement Order (RSEO) issued by PRHP dated 11 March 2016 under section 25 of the Act.

In light of the issue of a certificate of completion the tribunal determined to revoke the Rent Relief Order (RRO) dated 21 June 2016 under section 27(4)(b) of the Act.

Reasons:

1. Following the issue of a Notice of Failure to comply with the terms of the RSEO, by email dated 31 March 2017 the landlord's agents submitted an Electrical Installation Condition Report (EICR) which was considered by the tribunal. Thereafter the ordinary member (surveyor) of the tribunal carried out a re-inspection of the property on 2 May 2017 and prepared a Report dated 20 May 2017, a copy of which is attached hereto.
2. Following the issue of the re-inspection report to the parties, the landlord confirmed by Response Notice dated 26 May 2017 from their agents that they considered that the landlords had complied with the terms of the RSEO and sought revocation of the RSEO. No response was received from the tenant. .
3. Having considered the re-inspection report and the representations received, the tribunal was satisfied that the works required by the RSEO had been completed and determined to issue a Certificate of Completion under section 60 of the Act and to revoke the RSEO under section 25.
4. In light of the issue of a certificate under section 60 of the Act, the Rent Relief Order issued by the dated falls to be revoked.

Review of tribunal's decision:

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 leave to appeal from the First-tier tribunal. That party must seek permission to appeal within thirty days of the date when 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 typewritten on this and the preceding page are subscribed as follows:

D PrestonChairman

13 June 2017

OBAN, 13 June 2017

This is the Re-inspection Report referred to in the foregoing Statement of Reasons.

D Preston

Chairman

Housing and Property Chamber First-tier Tribunal for Scotland



**First-tier Tribunal for Scotland (Housing and Property Chamber)
Housing (Scotland) Act 2006 PRHP/RP/15/0326
125 Blarmore Avenue, Inverness, IV3 8QT**

Property Re-inspection Report



Front elevation – May 2 2017

Date and time of re-inspection: May 2 2017 at 10.00 am

Chamber Reference Number: PRHP/RP/15/0326

Property address: 125 Blarmore Avenue, Inverness IV3 8QT

Surveyor: Mrs S Hesp LLB (Hons) BA (Hons) MRICS ACI Arb

Circumstances of re-inspection:

This re-inspection was carried out in order to assess whether there has been compliance with the Repairing Standard Enforcement Order dated 11 March 2016.

The tenant intimated that the landlord is intending to sell the property on the termination of the tenancy.

The weather was warm and dry.

In attendance:

Access was provided by the tenant, Mrs Ada MacKenzie. No representative of the landlord was present.

Repairing Standard Enforcement Order (RSEO)

Under the RSEO the landlord had been required to carry out the following repairs:

- i) Lodge with the Tribunal a satisfactory Electrical Installation Condition Report (EICR) completed by a suitably competent person accredited by NICEIC or SELECT.*
- ii) Repair the warm air heating unit.*
- iii) Lodge with the Tribunal a satisfactory Gas Safe Certificate.*
- iv) In accordance with the recommendations contained in BS5839 Part 6, install smoke alarm and fire detectors and heat detectors that meet the standard as set by building regulations and the revised Domestic Technical Handbook guidance on the requirements for smoke alarms, details of which are available on the Tribunal website.*

The landlord was required to carry out and completed the works specified within three weeks from the date of service of the Order.

Work carried out

Since the property was inspected on 8 March 2016:

- i) A satisfactory EICR dated 17 March 2017 completed by a suitably competent person has been provided.
- ii) The warm air heating unit has been removed and has been replaced by a combination gas boiler providing heating and hot water to the property. The hot water cylinder tank in the kitchen has been removed and the pipework capped.
- iii) A compliant Gas Safety Certificate dated 16 May 2017 has been provided.
- iv) Smoke alarm and fire detectors have been installed to the entrance, living room and the inner hallway. A heat detector has been installed in the kitchen. A carbon monoxide detector has been fitted in the entrance hallway. All detectors are interlinked and in working order on the date of inspection.

There are photographs of relevant elements of the property attached in a schedule to this report. The relevant Electrical Installation Condition Report and Gas Safety Certificate have also been attached to this report.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

S Hesp

20 May 2017

**Schedule of photographs attached to re-inspection report
All taken May 2 2017**



Replacement gas boiler - entrance hall cupboard



Carbon monoxide detector – entrance hall



Smoke detector – living room



Smoke detector – inner hallway



Heat detector – kitchen



Hot water cylinder tank removed and pipework capped – kitchen cupboard