

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RP/16/0083

Sasines Description: ALL and WHOLE the Eastmost flat on first floor of Tenement 5, 7 and 7A Tanfield Walk described in Disposition to William Williamson Clark recorded GRS (Aberdeen) 31 January 1951

Property at 7A Tanfield Walk, Aberdeen, AB24 4AN
("The Property")

The Parties:-

Mr GEORGE WATT, 7A Tanfield Walk, Aberdeen, AB24 4AN
(represented by his agent, Mr Hamish Mackenzie, Shelter Scotland, Aberdeen Hub, 36 Upperkirkgate, Aberdeen, AB10 1BA)
("the Tenant")

MR STANLEY YOUNGSON 17 Prospect Terrace, Aberdeen, AB11 7TB
("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** relative to the Property served on 19 May 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

A landlord, tenant or third party applicant 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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Gillian Coutts Buchanan, Solicitor, First Tier Tribunal for Scotland (Housing and Property Chamber), Scottish Courts and Tribunal Service, 4th Floor, 1 Atlantic Quay, 45 Robertson Street, Glasgow, G2 8JB, Legal Member and Chairperson of the tribunal at Dundee on 3 October 2017 before this witness:-

J Grewar _____ witness **G Buchanan** Chairperson

Joanne Kennedy Grewar name in full

c/o Whitehall House Address

33 Yeaman Shore, Dundee

DD1 4BJ

Housing and Property Chamber

First-tier Tribunal for Scotland



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Statement of Decision: Housing (Scotland) Act 2006, Section 60

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The Parties:-

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(represented by his agent, Mr Hamish Mackenzie, Shelter Scotland, Aberdeen Hub,
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("the Tenant")**

**MR STANLEY YOUNGSON 17 Prospect Terrace, Aberdeen, AB11 7TB
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property, and taking account of the subsequent inspection of the Property by the tribunal and the documentation submitted to the tribunal, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By a determination dated 16 May 2016 the Private Rented Housing Committee ("the Committee") determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act in that he had failed to ensure that the Property met the repairing standard. The works required by the RSEO were: -
 - a. To repair the hot water system to ensure that it is in a reasonable state of repair and in proper working order to include the replacement of the hot water tank, the electric immersion heater, the cold water tank and associated plumbing as necessary.
 - b. To repair or replace the cistern and the pipework adjacent to the toilet to ensure that it is in a reasonable state or repair and in proper working order.

- c. To install sufficient smoke alarms and heat detectors that are mains wired and interlinked and otherwise comply with the requirements of the relevant fire legislation and to produce a clear Electrical Installation Condition Report from a suitably qualified electrician confirming that the smoke alarms and heat detectors within the property are in proper working order and comply with the relevant regulations with no items marked as Category 1 or Category 2. The Landlord is to exhibit such clear Electrical Installation Condition Report to the Committee.

The RSEO gave the Landlord 28 days to carry out the works.

- 2. On 4 July 2016 the Surveyor Member of the Committee, Mr David Godfrey, re-inspected the Property on behalf of the Committee. The Tenant was present and represented by his agent, Mr Hamish McKenzie of Shelter Scotland. The Tenant gave access to the Property. The Landlord was neither present nor represented.

It was readily apparent to the Surveyor Member that no works had been carried out since the original inspection and issuing of the RSEO.

- 3. On 31 August 2016 the Committee (comprising Ms G C Buchanan, Chairperson and Legal Member and Mr David Godfrey, Surveyor Member) held a hearing at Credo Centre, 14-20 John Street, Aberdeen and heard from the Landlord and the Tenant's representative, Mr Hamish McKenzie. The Tenant did not attend.
- 4. Having considered the parties' representations and submissions the Committee resolved to give the Landlord an extension of the period allowed to complete the works required by the RSEO and on 2 September 2016 issued a Notice of a Decision to Vary the RSEO by 21 days.
- 5. On 25 October 2016 the Surveyor Member of the Committee, Mr David Godfrey, re-inspected the Property on behalf of the Committee. The Tenant was present and gave access to the Property. The Landlord was neither present nor represented.
- 6. The Surveyor Member noted that the following works had been undertaken:-
 - a. Although the hot water tank had not been replaced, the tank had been insulated and new wiring fitted to the electric immersion heater. Hot water was drawn from the hot tap at the Kitchen sink and the flow was found to be adequate.
 - b. The supply pipe to the cistern to the W.C. had been replaced and is now water tight.
 - c. A hard wired smoke alarm had been installed in the Kitchen.
 - d. A hard wired smoke alarm had been installed in the Lounge.

7. The Surveyor Member noted that the following works remained outstanding:-
 - a. The cold water tank and associated plumbing had not been replaced. The mechanism/valve remained defective and running water was apparent.
 - b. The battery powered smoke alarm in Hall had not been upgraded.
 - c. The smoke alarm in the Kitchen did not appear to incorporate a heat detector.
 - d. A clear Electrical Installation Condition Report from a suitably qualified electrician had not been produced.

8. On 12 January 2017 the tribunal re-inspected the Property. The Tenant was present and represented by his agent, Mr Hamish McKenzie of Shelter Scotland. The Tenant gave access to the Property. The Landlord was neither present nor represented.

It was readily apparent to the tribunal that no further works had been carried out since the inspection on 25 October 2016. The Surveyor Member's Re-inspection Report dated 12 January 2017 is attached.

9. Thereafter on 12 January 2017 the tribunal held a hearing at Credo Centre, 14-20 John Street, Aberdeen and heard from the Tenant's representative, Mr Hamish McKenzie. The Tenant did not attend. The Landlord did not attend.
10. Having considered the parties' representations and submissions tribunal determined that the Landlord had failed to fully comply with the RSEO and (a) served notice of the failure on the local authority, (b) made a Rent Relief Order, and (c) reported the matter to the Police for consideration for prosecution.
11. Thereafter on 1 March 2017 the tribunal received an email from the Tenant's representative, Mr Hamish Mackenzie, intimating that the Landlord had arranged for a bathroom extractor fan to be installed and had undertaken repairs to the water tank.
12. By fax dated 30 May 2017 the Landlord represented to the tribunal that a detailed list of works had been undertaken. By fax dated 5 June 2017 the Landlord represented to the tribunal that the works required in terms of the RSEO had been completed in full and exhibited to the tribunal an Electrical Installation Condition Report dated 26 May 2017 prepared and signed by R. Brands of Electro-Tek.
13. On 20 June 2017 the Ordinary Member of the tribunal, Mr David Godfrey, re-inspected the Property on behalf of the tribunal. The Tenant was present, along with his representative, Mr Hamish Mackenzie, and gave access to the Property. The Landlord was also present. The Ordinary Member of the Tribunal noted that the works required in terms of the RSEO had been completed in full and issued a Re-inspection Report in those terms on 20 June 2017.

14. Thereafter on 30 June 2017 the tribunal received representations from the Tenant's representative, Mr Hamish Mackenzie, confirming that the works required in terms of the RSEO are complete.

Decision

15. The tribunal considered the documentation and the parties representations and was satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act should be granted.

16. The decision of the tribunal was unanimous.

A landlord, tenant or third party applicant 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(s) are executed by Gillian Buchanan, Solicitor, First Tier Tribunal for Scotland (Housing and Property Chamber), Scottish Courts and Tribunal Service, 4th Floor, 1 Atlantic Quay, 45 Robertson Street, Glasgow, G2 8JB, Legal Member and Chairperson of the tribunal at Dundee on 3 October 2017 before this witness:-

 J Grewar _____ witness **G Buchanan** _____ Chairperson

Joanne Kennedy Grewar name in full

c/o Thorntons Law LLP, _____ Address

Whitehall House, 33 Yeaman Shore

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