

**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/16/0107**

**Title no: ANG25508**

**Property at 13 G/L Court Street, Dundee, DD3 7QS**  
**("The Property")**

**The Parties:-**

**MISS JACQUELINE BAXTER, residing at, 13 G/L Court Street, Dundee, DD3 7QS**  
**("the Former Tenant")**

**MR MICHAEL JOHNSTON and THERESA JOHNSTON, 45 Mains Loan, Dundee,**  
**DD4 7AF ("the Landlords")**

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 4 October 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 are executed by Gillian Coutts Buchanan, Solicitor, 4<sup>th</sup> Floor, 1 Atlantic Quay, 45 Robertson Street, Glasgow, G2 8JB, Chairperson of the tribunal at Dundee on 11 April 2017 before this witness:-

**S Kidd**

\_\_\_\_\_ witness

**G Buchanan**

\_\_\_\_\_ Legal Member

Sarah Kidd  
Secretary  
Thorntons Law LLP  
Whitehall House  
33 Yeaman Shore  
Dundee DD1 4BJ

# Housing and Property Chamber First-tier Tribunal for Scotland



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

**STATEMENT OF DECISION: Housing (Scotland) Act 2006**

**Chamber Ref:PRHP/RP/16/0107**

**Property at 13 G/L Court Street, Dundee, DD3 7QS  
("The Property")**

**The Parties:-**

**MISS JACQUELINE BAXTER, residing at, 13 G/L Court Street, Dundee, DD3 7QS  
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**MR MICHAEL JOHNSTON and THERESA JOHNSTON, 45 Mains Loan, Dundee,  
DD4 7AF ("the Landlords")**

**Decision**

**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 Landlords have complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspection of the Property by the Committee, determined that the Landlords 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 way of a decision dated 29 September 2016, the Private Rented Housing Committee ("the Committee") had issued a determination that the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 29 September 2016. The RSEO required the Landlords:-
  - (a) To move and/or protect the fan and electrical spur therefor located above the shower in the bathroom, to ensure that they are in a reasonable state of repair, in proper working order and safe to use.
  - (b) To install an isolation switch for the electrical shower.

- (c) To install a carbon monoxide detector in the kitchen to comply with the requirements of the relevant legislation; and
- (d) To produce a clear Electrical Installation Condition Report from a suitably qualified electrician confirming that the electrical systems and portable appliances supplied by the Landlords 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 Landlords are to exhibit such clear Electrical Installation Condition Report to the Committee.

The RSEO required the works to be carried out within 28 days.

3. On 25 November 2016 the Surveyor Member of the Committee, Mr Harry J Maclean, attended at the Property. The Landlord, Mr Michael Johnston, was present and gave access.

The Surveyor Member noted that :-

- a. With regard to the requirement to move and/or protect the fan and electrical spur therefor located above the shower in the bathroom, to ensure that they are in a reasonable state of repair, in proper working order and safe to use, the route chosen by the Landlord was to protect the fan and electrical spur by passing to the new distribution board which had been carried out.
  - b. A new isolation switch for the shower had been installed.
  - c. A carbon monoxide detector had been installed in the kitchen that complied with the requirements of the relevant legislation.
  - d. With regard to the requirement to exhibit to the Committee (now the tribunal) a clear Electrical Installation Condition Report ("EICR") from a suitably qualified electrician confirming that the electrical systems and portable appliances supplied by the Landlords 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 Landlords had produced a Minor Electrical Installation Works Certificate dated 26 October 2016 indicating that updated and modified electrical installations within the Property were satisfactory.
4. The tribunal was not satisfied that the Minor Electrical Works Certificate produced by the Landlords was an acceptable alternative to the EICR required by the RSEO. In light of the other works required in terms of the RSEO having been undertaken by the Landlords on 13 March 2017 the tribunal issued a Notice of a Decision to Vary the RSEO in terms of which the tribunal extended the period allowed for the completion of the work required by the RSEO for a period 28 days.
  5. On 16 March 2017 the Landlords exhibited to the tribunal an EICR prepared by Pulse Electrical (Dundee) Limited dated 26 October 2016. The tribunal (comprising Miss Gillian Buchanan, Legal Member, and Mr Harry Maclean, Ordinary Member) considered

the EICR. The tribunal was satisfied that Pulse Electrical (Dundee) Limited is a suitably qualified electrician. The tribunal was satisfied that, having regard to the terms of the EICR, the electrical systems and portable appliances supplied by the Landlords 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 tribunal was therefore satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act should be granted.

### **Decision**

6. The decision of the tribunal was unanimous.

### **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. That party must seek permission to appeal within 30 days of the date the decision was sent to them.
8. 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.

**G Buchanan**

Signed

Legal Member

Date

11 April 2017