

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/RT/16/0110

Title no/Sasines Description:

**Property at 20F Fairbairn Street, Dundee DD3 7JJ
Being the eastmost house on the second floor of tenement 20A,B,C,D,E,F,G
and H Fairbairn Street more particularly described in feu disposition to the
Magistrates &c of Dundee, recorded in the General Register of Sasines for the
County of Angus 7 June 1934 ("The House")**

The Parties:-

**Muhammed Rizwan Khan, formerly of 20F Fairbairn Street, Dundee DD3 7JJ
("the Tenant")**

**Muhammed Yusif Khan and Nayyar Yousuf, spouses, 49 Clepington Road,
Dundee DD4 7EL
("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 dated 16 June 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the House has been discharged.

A landlord, tenant or third party applicant 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.

In witness whereof these presents type written on this and the preceding page are executed by John McHugh, solicitor, 65 Haymarket Terrace, Edinburgh, chairperson of the tribunal at Edinburgh on 13 April 2017 before this witness:-

E Lome

witness

J McHugh

chairperson

EVELYN LOME

name in full

65 HAYMARKET TERRACE Address

EDINBURGH

EH12 5HD

Housing and Property Chamber

First-tier Tribunal for Scotland



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

DETERMINATION BY THE FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)("the Tribunal")

**STATEMENT OF DECISION OF THE TRIBUNAL
UNDER SECTION 60
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at 20F Fairbairn Street, Dundee DD3 7JJ (hereinafter referred to as "the House")

The Parties:

Muhammed Rizwan Khan, formerly of 20F Fairbairn Street, Dundee DD3 7JJ ("the Tenant")

**Muhammed Yusif Khan and Nayyar Yousuf, spouses, 49 Clepington Road, Dundee DD4 7EL
("the Landlord")**

TRIBUNAL REFERENCE PRHP/RT/16/0110

The Committee comprised the following members:

**John McHugh, Chairperson
Harry MacLean, Surveyor Member**

DECISION

The Tribunal having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order dated

16 June 2016 (“the RSEO”) had been completed and resolved to issue a Certificate of Completion of Work.

The decision of the Tribunal was unanimous.

Background

On 1 December 2016, the jurisdiction of the Private Rented Housing Panel was transferred to the Tribunal.

The RSEO required the Landlord to complete the following work within two months of the service of the RSEO:

- 1 To repair or replace the existing windows and front door (including the front door frame) such that they are able to be opened and closed securely and are reasonably free from draughts.
- 2 To provide an up to date electrical installation condition report from a suitably qualified electrician confirming that the electrical installations within the House are in safe working order.
- 3 To remove the gas cooker present in the kitchen or to produce a Landlord’s Gas Safety Certificate issued by a Gas Safe registered engineer confirming that the gas cooker is in safe working order.
- 4 To relocate the carbon monoxide detector to a location which is in accordance with the advice of its manufacturer.

Reasons for the Decision

On 11 November 2016, the Surveyor Member of the Committee carried out a re-inspection of the House. He found that all issues under the RSEO had been addressed satisfactorily with the exception of issue 2. The Landlord has subsequently produced an acceptable EICR dated 22 February 2017 to the office of the Tribunal.

Accordingly, all works required by the RSEO have been completed.

Right of Appeal

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.

J McHugh

John McHugh
Chairperson

Date: 13 April 2017



Private Rented Housing Panel

Re-inspection Report



Front Entrance – November 2016

PRHP Ref: PRHP/ RT/16/0110

Re: Property at 20F Fairbairn Street, Dundee, DD3 7JJ

Surveyor – Harry J Maclean MSc MRICS MCIOB

Access:

I re-inspected the property at 1100 on 7th November 2016 and was shown around by a friend of the landlord.

The weather was cold and dry.

Purpose of the re-inspection:

The purpose of this re-inspection was to establish whether the repairs directed by the RSEO had been completed and to a satisfactory standard.

The RSEO had previously been issued by PRHP Committee in June 2016, and a subsequent re-inspection in September 2016 had found that only some of the requirements had been met.

Under the RSEO, the Committee determined at this time that the landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act").

In particular, the Committee required the Landlord:

- 1 To repair or replace the existing windows and front door (including the front door frame) such that they are able to be opened and closed securely and are reasonably free from draughts.
- 2 To provide an up to date electrical installation condition report from a suitably qualified electrician confirming that the electrical installations within the House are in safe working order.
- 3 To remove the gas cooker present in the kitchen or to produce a Landlord's Gas Safety Certificate issued by a Gas Safe registered engineer confirming that the gas cooker is in safe working order.
- 4 To relocate the carbon monoxide detector to a location which is in accordance with the advice of its manufacturer.

On Re-inspection I observed the following;

- (a) The windows had all been replaced with a modern UPVC type of tilt and turn window, matching all of the others in the block of properties. These were of a good quality and installed well. Examples shown below:



Works Completed and satisfactory.

- (b) The main entrance door had been re-hung and is in good order, also acting as a fire door for the protected stairwell escape route. The frame had been repaired along with the latch. No further action required. Photo below and on front cover:



Works Completed and satisfactory.

- (c) The requested Electrical Inspection Condition report was still not produced, the one passed to the Committee in June 2016 states the condition as "terrible". However, subsequently the old distribution board has been replaced by a new one and this is no longer the case, photo below and so **a new EICR should be produced and passed to the Committee for consideration.** **Not completed as yet to a satisfactory standard.**



New distribution board, installed between June – September 2016

(d) The old Six Ring gas cooker in the kitchen was now removed.

Completed to a satisfactory standard



- (e) The existing Carbon Monoxide detector had been fitted to the wall and was now in an appropriate location. Photo below.

Works Completed and satisfactory



Outstanding matters

After visiting and re-inspecting the property it was determined that not all of the actions required by the RSEO had been completed to a satisfactory standard. The only remaining item being the submission of a current and upto date EICR to show that the electrical installation is now in good order as it appears to be.

Comments

This report will be distributed to the landlord and his representatives for their comment and will be referred afterwards to the Committee of the Private Rented Housing Panel for their consideration and further action.

H MacLean

Surveyor Member

Private Rented Housing Panel

7th November 2016