

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/16/0264

Title No: GLA159323

114A Terregles Avenue, Glasgow, G41 4LJ
("the property")

The Parties:-

Mr. Martyn Clark and Mrs. Mary McDonough-Clark
("the former Tenants")

Mr. Alexander Greaves and Mrs. Anne Leslie, care of Greaves Sports Limited,
23 Gordon Street, Glasgow, G1 3PW
("the Landlords")

Represented by their agent:-

Parker Property, 49 Manse Road, Bearsden, Glasgow, G61 3PN

The Decision

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 16 October 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been 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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 1 Atlantic Quay, Glasgow, chairperson of the tribunal at Glasgow on 12 December 2017 before this witness:-

N Pryce _____ witness

NICHOLAS PRYCE name in full

55 BLYTHWOOD ST Address

GLASGOW

P Pryce

Chair and Legal Member

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 Section 60 (5)

Chamber Ref: PRHP/RP/16/0264

Title No: GLA159323

**114A Terregles Avenue, Glasgow, G41 4LJ
("the property")**

The Parties:-

**Mr. Martyn Clark and Mrs. Mary McDonough-Clark
("the former Tenants")**

**Mr. Alexander Greaves and Mrs. Anne Leslie, care of Greaves Sports Limited,
23 Gordon Street, Glasgow, G1 3PW
("the Landlords")**

Represented by their agent:-

Parker Property, 49 Manse Road, Bearsden, Glasgow, G61 3PN

The 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 had complied with the Repairing Standard Enforcement Order dated 16 October 2016, as varied by the Variation determined on 9 January 2017, in respect of the property, and taking account of the written information provided by the Landlords determined that the Landlords have complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce

-

Chair and Legal Member

Background

1. On 16 October 2016, the Private Rented Housing Committee ("the Committee") issued a determination which stated that the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the Landlords:
 1. To carry out all necessary repairs to ensure that the roof is wind and watertight and in reasonable condition including, but not limited to, all slipped, missing and damaged slates to be replaced and all roof details.
 2. To make good any decoration in all rooms affected by water ingress, whether current or historical water ingress.
 3. To repair the large crack at the top of the external stairs of the property to ensure that the structure and exterior of the house are in a reasonable state of repair and in proper working order.
 4. To repair or replace the light fittings located under the cupboards in the kitchen so that they are in a reasonable state of repair and in proper working order.
 5. To produce a Portable Appliance Test (PAT) on all portable electrical appliances and equipment supplied by the Landlord and located within the property.
 6. To replace the carpet in the dining room (presently used by the Tenants as their bedroom) of the property.
 7. To repair or replace the linoleum in the kitchen so that it is capable of being used safely for the purpose for which it was designed.
 8. To replace the carpet located within the entrance vestibule the front door of the property.
3. The Committee ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the Notice, that is, by 21 November 2016.
4. The jurisdiction of the PRHP was assumed by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") on 1 December 2016.
5. After various re-inspections and hearings and further sundry procedure, the Landlords requested a variation of the RSEO which was granted on 9 January 2017 allowing the Landlords until 28 February 2017 to complete the works described within the RSEO.

6. Thereafter, the former Tenants intimated that they had left the property. After further sundry procedure, a further inspection of the property was carried out by the Ordinary Member (Surveyor) of the tribunal. His re-inspection report dated 31 October 2017 is attached to this decision. Only the redecoration of the kitchen ceiling remained outstanding. Subsequently, the Landlords produced dated photographic evidence showing that the redecoration had been completed.

8. Given all of the circumstances, the tribunal found that all of the works in the RSEO, as varied, had taken place.

9. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

P Pryce, Chair and Legal Member

12 December 2017

Date

Housing and Property Chamber First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: 114A Terregles Avenue, Pollokshields, Glasgow G41 4LJ

HPC REF No: PRHP/RP/16/0264

SURVEYOR: Mike Links

IN ATTENDANCE: In attendance were Elizabeth Parker and Nicola Haughey, the landlords' agents, from Parker Property, 49 Manse Road, Bearsden G61 3PN

WEATHER: Dry with sunny intervals.

ACCESS:

I re-inspected the property on Monday 30th October 2017 at 10 am.

RSEO:

This report should be read in conjunction with the MINUTE OF ADJOURNMENT, dated 28th July 2017. At that time almost all of the works required by the Repairing Standard Enforcement Order (“RSEO”) had been completed. However, there remained high readings of dampness on the ceiling located above the kitchen units which were mounted on the rear wall of the property.

WORKS IN RSEO UNDERTAKEN::

I was advised by the agents that Wise Property Care had re-attended the property and completed repairs on the 2nd October 2017.

The cornice and ceiling were tested for dampness and were found to be predominantly dry, although some areas are still in the drying out process.



Ceiling /cornice/wall re-plastering



Moisture reading in “green” sector

WORKS IN RSEO OUTSTANDING:

Re-decoration of the re-plastered areas remains to be completed. The agents advise this will be undertaken in a short period of time.

RECOMMENDATION:

Once the re-inspection report is forwarded to the Landlord and Tenant for comment the Tribunal will then decide what further action is required.

Mike Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 31st October 2017