

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Reasons for Certificate of Completion of Work : Housing (Scotland) Act 2006 Section 60 and Section 52 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2016

Chamber Ref: PRHP/RP/16/0307

**Title no/Sasines Description: ALL and WHOLE the Flat 2/2, 100 Dundrennan Road, Battlefield, Glasgow, G42 9SH being part and portion of the tenement of houses at the block known as 100 Dundrennan Road, all as more particularly described in the Disposition to John Thom recorded in the Division of the General Register of Sasines for the Barony and Regality of Glasgow on 14 September 1912
("The House")**

The Parties :

**Mrs Stella Taylor, residing at the House
("the Tenant")**

York and District Investment Company Limited, having its registered office at 137 Scalby Road, Scarborough, North Yorkshire, YO12 6TB, a subsidiary company of Broadland Properties Limited which is related to Nevis Property Company Limited, having its registered office at 56 George Street, Edinburgh, EH2 2LR, also a subsidiary company of Broadland Properties Limited, the title to the property remaining in the name of the said Nevis Property Company Limited

**(represented by their agent Edzell Property Management)
("the Landlord")**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Joan Devine (Legal Member) and Carol Jones (Ordinary Member)

DECISION

The Tribunal, having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 5 January 2017 (hereinafter referred to as the "RSEO") in terms of Section 26(1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act"), decided that

the works specified in the RSEO have been completed to the satisfaction of the Tribunal, and grants a Certificate of Completion to the effect of discharging the RSEO. The Tribunal's decision is unanimous.

REASONS

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein within 6 weeks from the date of service of the RSEO.
2. Following the expiry of the time limit, the ordinary member carried out a re-inspection of the House on 22 March 2017 and prepared a report thereon dated 27 March 2017.
3. The re-inspection carried out on 22 March 2017 disclosed that the works specified in the RSEO had been completed subject to making good of damage caused by the works. Specifically, some of the tiles below the window on the middle landing of the close had been damaged and/or displaced during the window installation works. Email correspondence received from the Landlord attaching photographs dated 15 June 2017 confirmed that said damage had been made good. A copy of the re-inspection report was sent to both the Landlord and the Tenant. The tenant responded on 6 April 2017 saying she agreed with the conclusions of the report dated 27 March 2017 and she also agreed that the Tribunal may make a decision without an oral hearing. The Landlord did not respond at that time.
4. Following receipt of the Tenant's agreement and the Landlord's photographic evidence, the Tribunal resumed consideration of the Application and determined that in view of the terms of the re-inspection report, the Tenant's agreement and the Landlord's subsequent evidence, it was not necessary to hold a hearing, and it determined to issue a Certificate of Completion to the effect of discharging the RSEO.

APPEAL

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.

2 August 2017

Date

J Devine

Legal Member

J Devine

Full Name

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/16/0307

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The Parties:-

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(represented by their agent Edzell Property Management)
("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 6 January 2017 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 apply 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 date 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 Joan Devine, Solicitor, Cornerstone, 107 West Regent Street, Glasgow G2 2BA, Chairing Member of the Tribunal, at Glasgow on 8 August 2017 before this witness:-

H Brown

..... (Witness)

J Devine

Legal Member)

Hannah Brown (Name in Full)

107 West Regent Street
Glasgow G2 2BA (Address)



Re-inspection report



Date of inspection: Wednesday 22 March 2017.

Reference Number: PRHP/RP/16/0307

Property: Flat 2/2, 100 Dundrennan Road, Battlefield, Glasgow G42 9SH

Surveyor: Carol L Jones MA MRICS

Previous Inspections: The subject property was inspected by the First-tier Tribunal for Scotland (Housing and Property Chamber) on 5 December 2016 and as a result a Repairing Standard Enforcement Order dated 5 January 2017 was served.

Access: The tenant, Mrs Stella Taylor provided access.

Weather: Dry, cold and overcast.

In attendance: The tenant Mrs Stella Taylor and Mr Richard Taylor, a solicitor with Edzell Property Management, the Landlord's agent attended the inspection.

Repairing Standard Enforcement Order (RSEO) dated 5 January 2017.

Works required by the RSEO:

The Tribunal requires the Landlord to carry out such work as is necessary for the purpose of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular the Committee requires the Landlord to:

1. Replace all windows throughout the House, in order to ensure that the property is wind and watertight and in all other respects reasonably fit for human habitation;
2. Repair or replace the stairhead windows on each landing of the tenement as necessary to ensure that they are in a reasonable state of repair and proper working order and in particular to stop any water ingress when it rains;
3. Repair or replace the hot water tap to the basin in the bathroom to ensure that it is in a reasonable state of repair and proper working order.

Works in the RSEO undertaken/outstanding - see attached photograph schedule below:

1. The landlord has replaced all the windows in this flat with new UPVC Double Glazed units.
2. The landlord has replaced all the stairhead windows on each landing in the close with new UPVC Double Glazed units. The tenant said the tiles under the middle landing window were damaged during the window replacement works, several tiles have been displaced from the wall and are lying on the landing floor, some of these are broken.
3. The landlord has replaced the hot water tap to the basin in the bathroom and it is functioning properly.

All photographs were taken at the re-inspection on 22 March 2017 (see schedule below).

Comments: This report will be submitted to the First-tier Tribunal for Scotland (Housing and Property Chamber) for their decision.

**Carol L Jones MA MRICS
Ordinary Member (Surveyor)
First-tier Tribunal for Scotland (Housing and Property Chamber)**

27 March 2017

Schedule of photographs taken during the re-inspection of Flat 2/2, 100 Dundrennan Road, Battlefield, Glasgow G42 9SH by the ordinary member of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 22 March 2017.

Reference Number : PRHP/RP/16/0307



Living Room window



Bedroom window



Bathroom window



Dining-Kitchen window



Top Landing window



Top Landing window



Top Landing window



Top Landing window



Middle Landing window



Middle Landing - damaged tiling under window



Middle Landing window



Middle Landing window



Middle Landing window



Lower Landing window



Lower Landing window



Lower Landing window



Lower Landing window



Bathroom - new hot water tap to wash hand basin