

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/16/0358

Title no/Sasines Description: LAN27073

109 Winning Quadrant, Ritchie Street, Craigneuk, Wishaw ML27TS
("The House")

The Parties: -

Mr David Strang, North Lanarkshire Council, Regulatory Services and Waste Solutions, 453 Main Street, Coatbridge, North Lanarkshire ML5 3RS ("the Third Party Applicant")

Ms Susan McQuade, formerly residing at the house ("the former Tenant")

Mr David Hill, BUD Ltd, East Bank, Kelton, Dumfries, DG14UA ("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 26th March 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 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 the Upper Tribunal, 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 Mary-Claire Kelly, solicitor, 57 Vandeleur Avenue, Edinburgh, EH76UQ, chairperson of the tribunal at Edinburgh on 1st June 2017 before this witness:-

E Meikle

witness

M C Kelly

chairperson

EILIDH MEIKLE name in full ✓

10 (1/3) Cambusnethan St Address ✓

Edinburgh

EH7 5UA

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/RT/16/0358

Title no/Sasines Description: LAN27073

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The Parties: -

**Mr David Strang, North Lanarkshire Council, Regulatory Services and Waste Solutions, 453 Main Street, Coatbridge, North Lanarkshire ML5 3RS
("the Third Party Applicant")**

**Ms Susan McQuade, formerly residing at the house
("the former Tenant")**

**Mr David Hill, BUD Ltd, East Bank, Kelton, Dumfries, DG14UA
("the Landlord")**

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 Landlord had complied with the Repairing Standard Enforcement Order dated 26th March 2017 in respect of the property, and taking account of the written information provided by the Landlord and the Third Party, determined that the Landlord has 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 in terms of Section 60 of the Housing (Scotland) Act 2006 and to revoke the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Mary-Claire Kelly – Chair and Legal Member

Carol Jones – Ordinary Member

Background

1. By application received on 17th November 2016, the Third Party applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (the "Act"). On 1st December 2016 the functions of the Private Rented Housing Panel were transferred to the First-tier Tribunal (Housing and Property Chamber), in terms of the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016.
2. A hearing in respect of the application took place on 13th March 2016. Prior to the hearing the Tenant had removed from the property on a permanent basis. At the hearing the tribunal determined that the property failed to meet the repairing standard and issued the Repairing Standard Enforcement Order ("the RSEO").
3. The RSEO required the landlord:
 - "a) To produce an Electrical Installation Condition Report in respect of the electrical installations, fixtures and fittings and fixed electrical equipment in the House. The report must be prepared by a suitably qualified and registered electrical contractor and comply with Scottish Government Guidance on Electrical Installations and Appliances in Private Rented Property;*
 - b) To carry out such works as are necessary to rectify any identified issue in the Electrical Installation Condition Report and provide the Tribunal with a report from a suitably qualified and registered electrical contractor confirming that the works are completed;*
 - c) To instruct a suitably qualified contractor to carry out any necessary repairs to the storage heaters throughout the House to ensure that they are in a reasonable state of repair and in proper working order. In particular, to repair or replace any broken parts and ensure the heater in the hall is functioning and properly secured to the wall. "*

The Tribunal ordered that the works specified must be carried out and completed within the period of six weeks from the date of service of the RSEO.

4. On 21st April 2017 the Landlord submitted an Electrical Installation Condition Report in respect of the property. The report had been prepared by a registered electrical contractor and was dated 19th April 2017. The report confirmed that the electrical installations, fixtures and fittings and fixed electrical equipment were in a satisfactory condition. The tribunal were satisfied on the basis of the report that paragraphs a) and b) of the RSEO had been complied with.
5. On 8th May 2017, the Third Party, David Strang an Environmental Health Officer employed by North Lanarkshire Council emailed the tribunal. Mr Strang advised that he had carried out an inspection of the property on 8th May 2017 and confirmed that all repairs had been carried out and were complete. The tribunal asked Mr Strang to clarify whether all the storage heaters were fully functioning and in a reasonable state of repair during his inspection. Mr Strang confirmed by email on 18th May 2017 that the majority of heaters had been replaced with new storage or panel heaters. Mr Strang confirmed that all the heaters had been switched on before his arrival and that all were fully functioning. The tribunal were satisfied on the basis of Mr Strang's written representations that paragraph c) of the RSEO had been complied with.
6. Accordingly the tribunal determined that all works in terms of the RSEO had been completed and proceeded to issue a Completion Certificate. The decision was unanimous.

Rights 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.

M C Kelly

Chair and Legal Member

MS June 2017

Date