

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certification that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Reference: FTS/HPC/RP/17/0120

Re: The Apartment, Three Crofts Farm, Lochfoot, Dumfries, DG2 8NX ("the Property")

The Parties:-

Debby Booth, formerly residing at The Apartment, Three Crofts Farm, Lochfoot, Dumfries, DG2 8NX ("the Tenant")

Martin Edgar, Three Crofts Farm, Lochfoot, Dumfries, DG2 8NX ("the Landlord")

Tribunal Members:

Adrian Stalker (Chairman) and Donald Wooley (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") having so determined on 5 December 2018, hereby grants certification that the work required by the **Repairing Standard Enforcement Order** of 13 September 2017 relative to the property has been completed, with effect from the date of service of this Certificate, and the relative decision. Accordingly the said RSEO 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 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 Adrian Stalker, advocate, Advocates Library, Parliament House, chairperson of the tribunal at Glasgow on 5 December 2017, before this witness:-

A Stalker

G Cusick

_____ witness

GARY CUSICK

_____ name in full

2 ATLANTIC Quay

_____ Address

GLASGOW G2 8JB.

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision to Certify that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Reference: FTS/HPC/RP/17/0120

Re: The Apartment, Three Crofts Farm, Lochfoot, Dumfries, DG2 8NX ("the Property")

The Parties:-

Debby Booth, formerly residing at The Apartment, Three Crofts Farm, Lochfoot, Dumfries, DG2 8NX ("the Tenant")

Martin Edgar, Three Crofts Farm, Lochfoot, Dumfries, DG2 8NX ("the Landlord")

Tribunal Members:

Adrian Stalker (Chairman) and Donald Wooley (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), decided to certify that the work required by the Repairing Standard Enforcement Order ("RSEO") of 13 September 2017, has been completed, with effect from the date of service of this decision, and the relative certificate under section 60.

Finding and reasons for decision

1. Reference is made to the Tribunal's determination in this case, and the RSEO.
2. The Property was re-inspected by Ordinary (Surveyor) Member on 8 November 2017. The Ordinary Member found that:
 - (a) a new hard wired electrical smoke alarm and separate heat detector have been installed within the open plan living area and kitchen;
 - (b) a new, hard wired electrical smoke alarm has been installed at the upper floor landing/bedroom area;
 - (c) the landlord satisfactorily demonstrated by testing, that the newly installed, mains powered smoke alarms and heat detector were interlinked in accordance with the Revised Domestic Technical Handbook and Scottish

Government revised statutory guidance on the requirements for smoke alarms.

The Ordinary Member therefore concluded that necessary remedial work envisaged by the RSEO has been completed, and there are no outstanding repairs.

3. Accordingly, the Tribunal decided to certify that the work required by the RSEO has been completed. The section 60 Certificate is referred to for its terms.

4. The decision of the Tribunal was unanimous.

5. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.

6. 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.

7. 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.

A Stalker

Signed

Date 5 December 2017

Chairman

Housing and Property Chamber

First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report



Property The Apartment, Three Crofts Farm, Lochfoot, Dumfries DG2 8NX

Ref No: FTS/HPC/RP/17/0120

Surveyor: Donald Wooley MRICS

Previous inspection

The subject property was previously inspected on 28th August 2017 by the First-tier Tribunal for Scotland (Housing Property Chamber) and as a result, a Repairing Standard Enforcement Order was served on 13th September 2017.

Access:

A re-inspection of the subject property was arranged for Wednesday 8th November 2017 at 10.00 am. I arrived at the property at the appointed time shortly after having confirmed my arrival with the administration section at 1 Atlantic Quay Glasgow by telephone.

Access to the property was provided by the landlord, Mr. Martin Edgar, who was present during the inspection. No other party was in attendance. Weather conditions at time of inspection were cold, dry and sunny

I left the property at 10.25 am and confirmed my departure with administration.

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the Repair Standard Enforcement Order had been completed.

Work required under the Repair Standard Enforcement Order:

The landlord to instruct a suitably qualified electrical contractor to install:

- (a) at least one functioning smoke alarm in the ground floor open plan living area;
- (b) at least one functioning smoke alarm in the upper floor landing;
- (c) a heat alarm in the kitchen area;

and that all of the alarms are interlinked and mains powered in accordance with the Revised Domestic Technical Handbook guidance and the Scottish Government revised statutory guidance on the requirements for smoke alarms.

Site Observations:

- (a) A new hard wired electrical smoke alarm and separate heat detector have been installed within the open plan living area / kitchen.



Ground floor battery operated detector 28-08-17

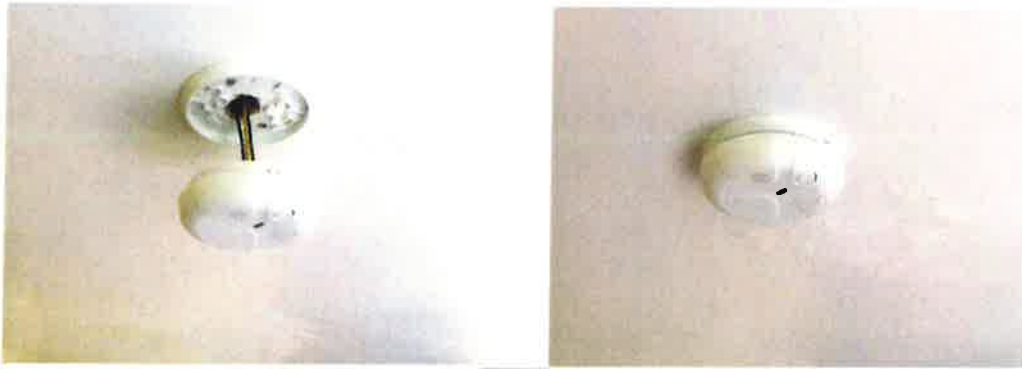


Ground Floor Replacement hard wired smoke alarm & heat detector 08-11-17

- (b) A new, hard wired electrical smoke alarm has been installed at the upper floor landing/bedroom area.



Upper floor battery operated smoke alarm 28-08-17



First floor landing/bedroom hard wired smoke alarm 08-11-2017

- (c) The landlord satisfactorily demonstrated by testing, that the newly installed, mains powered smoke alarms and heat detector were interlinked in accordance with the Revised Domestic Technical Handbook and Scottish Government revised statutory guidance on the requirements for smoke alarms

Outstanding Repairs:

Under the terms of the Repairing Standard Enforcement Order dated 13th September 2017 there are no outstanding repairs.

Other Issues:

During the re-inspection no other issues relative to the original application to the First-tier Tribunal for Scotland (Housing and Property Chamber) received on 28th March 2017 or the Statement of Decision and subsequent Repairing Standard Enforcement Order dated 13 September 2017 were noted.

Comments:

This report will be passed to the parties for comment before being submitted to the First-tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
08 November 2017