

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland Housing and Property Chamber

Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended (“the Act”)

Chamber Ref: Chamber Reference number: FTS/HPC/RP/17/0225

Re: Property being the north most flat on the top floor known as Flat F, at 13 Wallfield Crescent, Aberdeen AB25 2LJ being the subjects contained in Land Certificate ABN 25315 (hereinafter referred to as “the house”)

The Parties:-

- **Mr Matthew Buchan, residing at the house (“Tenant”)**
- **Mrs Jennifer Alice Dowds or Paterson, residing at 5 Monymusk Terrace, Aberdeen, whose agents are Homeguard Leasing, 115 Rosemount Place, Aberdeen (“Landlord”)**

Tribunal Members: Mrs Aileen Devanny (legal member and chairperson); Mr Colin Hepburn (ordinary member (surveyor))

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) hereby certifies that the work required by the **Repairing Standard Enforcement Order (“RSEO”)** relative to the Property served on 4 September 2017 has been completed. Accordingly, the said RSEO relative to the property has been revoked.

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.

In terms of Section 63 of the Act, 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 Mrs Aileen Devanny, legal member of the Tribunal, at Glasgow on the Eighteenth day of January, Two thousand and eighteen in the presence of the undernoted witness:-

L Wardlow

(witness)

Laura Wardlaw name in full

1 Atlantic Quay address

45 Robertson Street

Glasgow, G2 8JB

A Devanny

Housing and Property Chamber

First-tier Tribunal for Scotland



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

STATEMENT OF DECISION UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006 ("the Act")

Chamber Ref: Chamber Reference number: FTS/HPC/RP/17/0225

Re: Property being the north most flat on the top floor known as Flat F, at 13 Wallfield Crescent, Aberdeen AB25 2LJ being the subjects contained in Land Certificate ABN 25315 (hereinafter referred to as "the house")

The Parties:-

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Tribunal Members: Mrs Aileen Devanny (legal member and chairperson); Mr Colin Hepburn (ordinary member (surveyor))

DECISION

The First-tier Tribunal (hereinafter referred to as "the Tribunal"), having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings of the surveyor member at an inspection of the house on 22 November 2017, the Tribunal considered that the Landlord had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act.

Statement of Reasons

Reference is made to the Determination of the Tribunal dated 22 August 2017 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and to the RSEO made by the Tribunal which required the Landlord to carry out works to ensure that the house meets the repairing standard.

The Tribunal required the Landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Tribunal required the Landlord:-

To replace the double glazed shared window of the rear bedroom/ kitchen to ensure that it is compliant with the repairing standard ("the works").

The said works were to be carried out and completed within a period of 2 months from the date of service of the Order.

On 22 November 2017 the surveyor member of the Tribunal carried out an inspection of the house and noted that the double glazed shared window to the rear bedroom/ kitchen had been replaced. The surveyor's re-inspection report with his findings was circulated to the parties and written submissions were invited. No submissions were received.

The Tribunal considers the works specified in the RSEO have been satisfactorily completed and have decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The Tribunal members were unanimous in their decision.

APPEAL PROVISIONS

A landlord 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.

A Devanny

**Chairing Legal Member of the Tribunal
Dated: 18 January 2018**