

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/RT/17/0354

Re: Property being the subjects known as forming 63 Restalrig Avenue, Edinburgh EH7 6PN, being more particularly described in the Feu Disposition in favour of John Lyon recorded in the Division of the General Register of Sasines for the County of Midlothian on 17 February 1926 (hereinafter referred to as "the house")

The Parties:-

- Mr Balwant Singh and Mrs Rajwant Kaur Singh, 54 Durham Square, Edinburgh EH15 1PP ("Landlord"), represented by Sanjay Singh c/o 54 Durham Square, Edinburgh ("the Landlord's representative")
- City of Edinburgh Council, Private Rented Services, 101 Niddrie Mains Road, Edinburgh EH16 4DS ("the Third Party Applicant")

Tribunal Members: Mrs Aileen Devanny (legal member and chairperson); Mr Greig Adams (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 dated 24 January and recorded in the Division of the General Register of Sasines for the County of Midlothian on 23 March, both days of 2018 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 Accordingly, the said RSEO relative to the property has been revoked.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 Eleventh day of October, Two thousand and eighteen in the presence of the undernoted witness:-

J McAnulty

A Devanny

J McAnulty

Witness

Legal member

name in full

20 YORK STREET address

GLASGOW

G2 8QT

Housing and Property Chamber

First-tier Tribunal for Scotland



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

In connection with

Chamber Ref: Chamber Reference number: FTS/HPC/RT/17/0354

Re: Property being the subjects known as forming 63 Restalrig Avenue, Edinburgh EH7 6PN, being more particularly described in the Feu Disposition in favour of John Lyon recorded in the Division of the General Register of Sasines for the County of Midlothian on 17 February 1926 (hereinafter referred to as "the house")

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- **City of Edinburgh Council, Private Rented Services, 101 Niddrie Mains Road, Edinburgh EH16 4DS ("the Third Party Applicant")**

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

DECISION

The First-tier Tribunal for Scotland sitting in the Housing and Property Chamber ("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 dated 24 January and recorded in the Division of the General Register of Sasines for the County of Midlothian on 23 March, both days of 2018 (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings at the re-inspection of the property on 14 August 2018 and electrical certification, PAT test report and gas safety certificate, the Tribunal considers that the Landlord has satisfactorily completed the works detailed in the RSEO and have decided to issue a certificate of completion of works in terms of Section 60 of the Act.

Background

1. Reference is made to the Statement of Decision of the Tribunal dated 24 January 2018 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1) (b) of the Act and the RSEO made by the Tribunal which required the Landlord to carry out works as specified therein, the said works to be carried out and completed within a given timescale.

2. Mr. Adams, Ordinary Member (surveyor), inspected the house on 14 August 2018 and the findings are contained in the re-inspection report, a copy of which is attached and referred to for its terms. The Tribunal also considered the contents of the electrical certification, PAT testing report and gas safety report produced by the Landlord on 10 August 2018. These reports relating to the house are in satisfactory terms. No written representations were received from the parties following the circulation of the re-inspection report to them.

3. The Tribunal considers that all works required in the RSEO have been completed. The Tribunal considers that a certificate of completion should be issued in terms of Section 60 of the Act. The members of the Tribunal were unanimous in their decision. A copy of the re-inspection report referred to is attached, along with a copy of the reports considered.

4. The Tribunal was advised that the original tenant had left the house.

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

Legal Member,
10 October 2018