

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**CERTIFICATE OF COMPLETION OF WORK: Housing (Scotland) Act 2006  
Section 60**

**Chamber Ref: FTS/HPC/RP/17/0424**

**Title no: FFE5170**

**20B Buchanan Street, Dunfermline KY12 7PG  
("the Property")**

**The Parties:-**

**Mr Campbell Crowe, residing at 20B Buchanan Street, Dunfermline  
KY12 7PG  
("the Tenant")**

**Mr Hope-Vere Anderson, residing at Barbeth House, New Abbey,  
Dumfries DG2 8DB  
("the Landlord")**

**The Tribunal**

**Richard Mill (Legal Member)  
David Lawrie (Ordinary Member)**

**Decision**

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 made on 17 January 2018 has been completed satisfactorily. Accordingly, the said Repairing Standard Enforcement Order relative to the Property is herewith discharged. Reference is made to the corresponding statement of decision providing the Tribunal's reasons.

**Right of Appeal**

1. 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.

2. 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 Tribunal 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 Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the tribunal at Edinburgh on 11 July 2018 before this witness:-  
R Mill

M J Murray \_\_\_\_\_ Legal Member

\_\_\_\_\_ Witness  
M J Murray \_\_\_\_\_

\_\_\_\_\_ Name  
69-71 DALRY ROAD \_\_\_\_\_ Address

EDINBURGH \_\_\_\_\_

EH11 2AA \_\_\_\_\_

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

### **STATEMENT OF DECISION OF THE HOUSING AND PROPERTY CHAMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND UNDER SECTION 60(5) OF THE HOUSING (SCOTLAND) ACT 2006**

**Chamber Ref: FTS/HPC/RP/17/0424**

**Title no: FFE5170**

**20B Buchanan Street, Dunfermline KY12 7PG  
("the Property")**

#### **The Parties:-**

**Mr Campbell Crowe, residing at 20B Buchanan Street, Dunfermline  
KY12 7PG  
("the Tenant")**

**Mr Hope-Vere Anderson, residing at Barbeth House, New Abbey,  
Dumfries DG2 8DB  
("the Landlord")**

#### **The Tribunal**

**Richard Mill (Legal Member)  
David Lawrie (Ordinary Member)**

#### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property made on 17 January 2018 and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

#### **Background**

1. Following an inspection of the Property on 16 January 2018, the Tribunal issued a Repairing Standard Enforcement Order dated 17 January 2018 in respect of the Property in the following terms:-

- "1. To instruct a suitably qualified contractor to inspect the whole roof above the property (on all elevations), to investigate the causes of the water penetration to the Property, to include an assessment of the slates, guttering and downpipes and to thereafter carry out the works identified to ensure that there is no water penetration and that the Property is wind and watertight and that the roof and all fixtures are in good working order.
2. To carry out the works identified within the Report of Peter Cox Property Preservation, based upon their survey on 3 January 2018, and to thereafter re-decorate.

The Tribunal orders that the works specified in this Order must be carried out and completed within the period of 10 weeks from the date of service of this Notice and evidenced to the Tribunal."

2. A re-inspection of the Property was conducted by the Ordinary Member on 4 May 2018. Item 1 of the Repairing Standard Enforcement Order was found to have been attended to with the east guttering refurbished and the remainder placed in PVC. The work required in terms of item 2 remained outstanding. It was identified that a further specialist inspection of the Property had been conducted on 17 April 2018 (by Peter Cox) and that it was planned to commence further works.
3. Given that the Landlord appeared committed to the undertaking of the further necessary work no failure to comply decision was contemplated. Matters were continued to enable the further works to be completed.
4. A further re-inspection of the Property was undertaken by the Ordinary Member on 5 July 2018. In advance of this the Tenant had already indicated that all of the works had now been completed to his satisfaction. The re-inspection of the Property disclosed that all works had, in fact, been completed and a re-inspection report dated 6 July 2018 was prepared confirming this.
5. The Tenant has already indicated that he is content that all of the works are complete. The Tribunal was satisfied given the findings from the re-inspection conducted on 5 July 2018.
6. The Tribunal accordingly determines that the Landlord has complied with the Repairing Standard Enforcement Order made on 17 January 2018 and that a Certificate of Completion should in these circumstances be issued.

## Right of Appeal

7. 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.
8. 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(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 11 July 2018 before this witness:-

R Mill

\_\_\_\_\_  
Legal Member

Margaret Johnstone Murray Witness

MARGARET JOHNSTONE MURRAY Name

69-71 DALRY ROAD Address

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