

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”)

Reference number: FTS/HPC/RP/18/3206

Title number: GLA13494

Re: Flat A,41A New City Road, Glasgow, G4 9DE  
 (“the House”)

**The Parties:**

Miss Victoria Nakamatte, Flat A,41A New City Road, Glasgow, G4 9DE  
 (“the Tenant”)

Mr Siu Chung Cho,59 Dorchester Avenue, Kelvindale, Glasgow G12 0EH  
 (“the Landlord”)

Mellicks, Solicitors & Notaries, 160 Hope Street, Glasgow G2 2TL  
 (“the Landlord’s Representative”)

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 House dated 8 March 2019 has been completed. Accordingly, the said RSEO relative to the House 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.** 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 page are executed by Susan Christie, legal member of the Tribunal, at Glasgow on 11 July 2019 in the presence of the undernoted witness: -

G Christie  
\_\_\_\_\_ witness  
George Harvey Christie name in full  
5 Albert Drive, Glasgow address

S Christie  
\_\_\_\_\_ Legal Member

# Housing and Property Chamber First-tier Tribunal for Scotland

---



**Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 Housing (Scotland) Act 2006**

**Reference number: FTS/HPC/RP/18/3206**

**Title no/Sasines Description: GLA13494**

**Re: Flat A,41A New City Road, Glasgow, G4 9DE  
("the House")**

**The Parties:**

**Miss Victoria Nakamatte, Flat A,41A New City Road, Glasgow, G4 9DE  
("the Tenant")**

**Mr Siu Chung Cho,59 Dorchester Avenue, Kelvindale, Glasgow G12 0EH  
("the Landlord")**

**Mellicks, Solicitors & Notaries, 160 Hope Street, Glasgow G2 2TL  
("the Landlord's Representative")**

**Tribunal Members:**

**Susan Christie (Chairing/Legal Member)**

**Andrew Taylor (Ordinary Member)**

**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 has complied with the Repairing Standard Enforcement Order (RSEO) relative to the House dated 8 March 2019 determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.**

## Background

1. The Tribunal issued a Decision dated 8 March 2019 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the House.
2. The RSEO required the Landlord to:
  - a) Replace the top catch on the kitchen window in the House;
  - b) Remove the paint from, repair or replace the trickle vent on the kitchen window in the House to ensure that the trickle vent is fully operational;
  - c) Repair or replace the fridge/freezer in the kitchen of the House to ensure it is temperature adjustable and is in all respects in proper working order;
  - d) Repair or replace the showerhead bracket/riser in the bathroom of the House to ensure it allows the showerhead to sit securely in place and is height adjustable and is in all respects in proper working order;
  - e) Secure in proper position the wall panel edge beading adjacent to the bathroom door; repair or replace the lock handle on the bathroom door, to ensure free and unrestricted opening and closing of the bathroom door on use;
  - f) Repair or replace the wall mounted panel heater in the hall and the free-standing panel heater in Bedroom 1 to ensure they are both in proper working order;
  - g) Replace the broken glass shade on the freestanding lamp unit in the Living Room of the House. Should this prove impossible, provide a new similar alternative freestanding lamp;
  - h) Engage a NICEIC or SELECT approved and qualified electrician to check and report on all fixed installations in the House, specifically the cooker in the kitchen and bathroom panel heater and the wall light in the hall; thereafter to carry out all work to implement the recommendations of that report, by repairing or replacing any or all of these items so that they are in proper working order. On completion of works test all circuits and appliances and produce to the Tribunal an updated and unqualified Electrical Installation Condition Report for the complete installation;
  - i) On completion of all the above works, to restore all affected finishes and decoration.

The Tribunal ordered that the works specified in this Order be carried out and completed within the period 8 weeks from the date of service of the Notice.

3. The RSEO was intimated to the Parties on 14 March 2019 with a Re-Inspection to be arranged for a date after 10 May 2019.
4. An unqualified Electrical Installation Condition Report (EICR) was submitted by the landlord dated 25 April 2019 along with a PAT test Certificate carried out in April 2019. Those were accepted by the Tribunal.

### **The Re-Inspection**

5. On 18 June 2019, the Ordinary Member (Surveyor) re-inspected the House. He found that all works in the Repairing Standard Enforcement Order had been attended to satisfactorily since the original inspection. A copy of the Re-Inspection Report is attached to this Decision.
6. The Re-Inspection Report was intimated to the Parties with no adverse responses.

### **Findings in fact**

- I. The works undertaken following upon the original RSEO have been completed to the Tribunal's satisfaction.
- II. Accordingly, the House now meets the repairing standard required under section 13 (1) (a) (c) and (d) of the Act.
- III. The Tribunal accordingly determined that the Landlord had complied with the RSEO and proceeded to issue a Certificate of Completion.

### **Reasons for Decision**

The Tribunal considered the findings of the Surveyor Member who re-inspected the House and found that the works specified in the RSEO had been completed to the Tribunal's satisfaction since the original inspection. There were no adverse comments following upon the re-inspection.

### **Summary of Decision**

The Tribunal accordingly determined that the Landlord had complied with the RSEO and proceeded to issue a Certificate of Completion. The decision of the Tribunal is unanimous.


### **Right 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.

S Christie

Signed

  
Susan Christie, Legal Member

Date

11 July 2019



Glasgow, 11 July 2019  
This is the Re-Inspection  
Report with Photographs referred  
to in the Decision of even  
date herof in Reference  
FTS/HPC/RP/18/3206.

### Re-Inspection Report



**Property** – Flat A, 41A New City Road, Glasgow, G4 9DE

**Reference**- FTS/HPC/RP/18/3206

**Surveyor** – Andrew Taylor, MRICS

**Previous Inspections** – Full Tribunal – 27<sup>th</sup> February 2019.

**Re-inspection** – 10.00am, 18<sup>th</sup> June 2019

**Weather** – Dry, overcast.

**In Attendance** – Miss Victoria Nakamatte, Tenant, Mr Siu Chung Cho, Landlord. Ms Audrey Warden, Tribunal Clerk

**Purpose of Re-inspection** - To establish if the work required under the Repairs Standard Enforcement Order had been completed.

**RSEO** – In terms of the RSEO issued on 8<sup>th</sup> March 2019 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

- a) Replace the top catch on the kitchen window in the House
- b) Remove the paint from, repair or replace the trickle vent on the kitchen window in the House to ensure that the trickle vent is fully operational

- c) Repair or replace the fridge/freezer in the kitchen of the House to ensure it is temperature adjustable and is in all respects in proper working order
- d) Repair or replace the showerhead bracket/riser in the bathroom of the House to ensure allows the showerhead to sit securely in place and is height adjustable and is in all respects in proper working order.
- e) Secure in proper position the wall panel edge beading adjacent to the bathroom door; repair or replace the lock handle on the bathroom door, to ensure free and unrestricted opening and closing of the bathroom door on use.
- f) Repair or replace the wall mounted panel heater in the hall and the free-standing panel heater in Bedroom 1 to ensure they are both in proper working order.
- g) Replace the broken glass shade on the freestanding lamp unit in the Living Room of the House. Should this prove impossible, provide a new similar alternative freestanding lamp.
- h) Engage a NICEIC or SELECT approved and qualified electrician to check and report on all fixed installations in the House, specifically the cooker in the kitchen and bathroom panel heater and the wall light in the hall; thereafter to carry out all work to implement the recommendations of that report, by repairing or replacing any or all of these items so that they are in proper working order. On completion of works test all circuits and appliances and produce to the Tribunal an updated and unqualified Electrical Installation Condition Report for the complete installation.
- i) On completion of all the above works, to restore all affected finishes and decoration.

#### **Works in RSEO Carried Out**

- a) The top catch on the kitchen window has been replaced. The window closes securely.
- b) Paint has been removed from the Kitchen window trickle vent which renders it operational.

- c) The fridge/freezer in the kitchen has been replaced.
- d) The showerhead bracket/riser in the bathroom of the House has been repaired and is in in proper working order.
- e) The wall panel edge beading adjacent to the bathroom door has been secured; the lock/latch on the bathroom door has been adjusted, to ensure free and unrestricted opening and closing of the bathroom door on use
- f) The wall mounted panel heater in the hall and the free-standing panel heater in Bedroom 1 have been replaced.
- g) The freestanding lamp unit in the Living Room has been replaced.
- h) A satisfactory Electrical Installation Condition Report (EICR) has been provided together with a PAT Testing Certificate.
- i) All affected finishes and decoration have been made good.

**Works in the RSEO Outstanding**

Nil



## Photographs



1. Kitchen window catch and trickle vent



2. New Fridge/Freezer.



3. Repaired shower head/riser.



4. Panel heater – bathroom.



5. Panel heater – hall.



6. Panel heater – bedroom 1.



7. Bathroom door and panelling.



8. Wall light in hall.



9. New standard lamp in living room.



10. Cooker.

**Comments**

This Report will be distributed to the Tenant and Landlord for comments and will be referred to the Tribunal of the Housing and Property Chamber, First-tier Tribunal For Scotland for their consideration and further action.

**Andrew Taylor MRICS**

**Surveyor Member, Housing and Property Chamber, First-tier Tribunal For Scotland**

**19<sup>th</sup> June 2019**