

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: PRHP/RT/16/0334

Land Register Number: GLA28192

**Flat 1/3, 161 Allison Street, Glasgow, G42 8RY
("the House")**

The Parties:-

**Mr. John Dundas, DRS Housing and Regeneration Services, 3rd Floor Samaritan House, 79 Coplaw Street, Govanhill, Glasgow, G42 7JG
("the Third Party Applicant")**

**Ms. Jana Lackova residing at the Property
("the Tenant")**

**Mr. Nawaz Sattar, 45 Newlands Road, Glasgow, G43 2JH
("the Landlord")**

The 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 served on 17 January 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Glasgow on 26 July 2019 before this witness:-

N Pryce

witness
NICHOLAS PRYCE name in full
55 ALYTHWOOD ST Address
GLASGOW

P Pryce

Chair and Legal Member

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: PRHP/RT/16/0334

**Re: Property at Flat 1/3, 161 Allison Street, Glasgow, G42 8RY
("the property")**

The Parties:-

**Mr. John Dundas, DRS Housing and Regeneration Services, 3rd Floor Samaritan House, 79 Coplaw Street, Govanhill, Glasgow, G42 7JG
("the Third Party Applicant")**

**Ms. Jana Lackova residing at the Property
("the Tenant")**

**Mr. Nawaz Sattar, 45 Newlands Road, Glasgow, G43 2JH
("the Landlord")**

The 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 had complied with the Repairing Standard Enforcement Order dated 12 January 2017 in respect of the property, and taking account of all the information before it, determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the Tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The Tribunal consisted of:-

Patricia Anne Pryce	-	Chair and Legal Member
Andrew Taylor	-	Ordinary Member (Surveyor)

Background

1. On 12 January 2017, the Tribunal issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.

2. The RSEO made by the Committee required the Landlord:

"1. To replace the bath and to repair or replace the loose bath tap to ensure that the bath and the tap are in a reasonable state of repair and in proper working order

2. To provide written confirmation from a duly qualified and registered electrician that the smoke detection device located in the kitchen is a heat detection device

3. To relocate the carbon monoxide detector to ensure that it complies with current regulations and to provide written confirmation from a duly qualified and registered Gas Safe engineer that this has been done

4. To repair or replace the intercom door entry system to ensure that it is in a reasonable state of repair and in a proper working order."

3. The Tribunal ordered that the works specified in the RSEO were to be carried out within 28 days of the date of service of the Notice, that is, 14 February 2017.

4. After further sundry procedure which included the issue by the Tribunal of a Failure to Comply decision with a Rent Relief Order, a final inspection of the property being carried out by the Ordinary Member (Surveyor) of the Tribunal on 18 June 2019. The Ordinary Member prepared a report of the inspection which is attached to this decision. The Tenant had previously vacated the property.

5. Given all of the circumstances, the Tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the Tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

P Pryce

Chair and Legal Member

26 July 2019

Date