

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006**

**Parties :**

Dumfries and Galloway Council, Landlord Registration, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD per their employee Robert Rome (the "third party applicant") and Abdul Muhit, residing at 41, Loganbarns Crescent, Dumfries, DG1 4BX ("the landlord")  
**Property:** 11 Airds Drive, Dumfries, DG1 4EW, registered in the Land Register for Scotland under Title Number DMF18830 ("the Property")

**Chamber reference:** FTS/HPC/RT/17/0044

**Tribunal Members:**

Karen Moore (Chairperson)

Andrew Taylor (Ordinary Member)

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) in respect of the Property dated 19 April 2017 has now been completed fully and so the Tribunal discharges the said RSEO.

**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: In Witness Whereof these presents are signed by Karen Moore, solicitor, Glasgow, chairperson of the Tribunal, at Glasgow on 11 April 2018 before this witness:-

N Moore

K Moore

*Witness*

Witness name: NORMAN WILLIAM MOORE

Witness address: MUIRFIELD BUSINESS CENTRE

SOUTH MUIRHEAD ROAD

CUMBERNAULD

G67 1AX

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

**STATEMENT OF DECISION:** in terms of Section 26(1) of the Housing (Scotland) Act 2006 ("the Act") in respect of an application made under Section 22(1A) of the Act

**Parties :**

Dumfries and Galloway Council, Landlord Registration, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD per their employee Robert Rome (the "third party applicant" ) and

Abdul Muhit, residing at 41, Loganbarns Crescent, Dumfries, DG1 4BX ("the landlord")

**Property:** 11 Airds Drive, Dumfries, DG1 4EW, registered in the Land Register for Scotland under Title Number DMF18830 ("the Property")

**Chamber reference:** FTS/HPC/RT/17/0044

**Tribunal Members:**

Karen Moore (Chairperson)

Andrew Taylor (Ordinary Member)

This decision should be read in conjunction with:  
Statement of Decision and Repairing Standard Enforcement Order dated 19 April 2017 and  
Statement of Decision (Failure to Comply) dated 1 August 2017

### Background

1. By application paperwork received between 6 February 2017 and 92. February 2017 ("the Application"), the third party applicant applied to the First-tier Tribunal for Scotland for a determination that the landlord had failed to comply with the duty imposed on him by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13(1) (c), 13(1) (d), 13(1) (e), 13(1) (f) and 13(1) (g) of the Act.
2. An Inspection and Hearing took place on 5 April 2017 after which the Tribunal imposed the following Repairing Standard Enforcement Order ("RSEO"):-  
*"The Landlord must on or before 30 May 2017*
  1. *Engage a suitably qualified and Gas Safe registered heating engineer to carry out an inspection, report and service on the gas fire, back boiler, heating and hot water supply installation including all radiators, valves, thermostats and other parts of the installation. Follow the recommendations of that report to ensure that the entire system is safe and in proper working order. On completion of the works, provide a valid CP12 Gas Safety Certificate to the interested person and the First-tier Tribunal.*

2. *Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property. Follow the recommendations of that report to ensure that the entire system is safe and in proper working order. Provide a copy of the EICR to the interested person and the First-tier Tribunal.*
  3. *Supply and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 – Fire, sub-section 2.11 Communication.*
  4. *Supply and install Carbon Monoxide detection compliant with the Scottish Government Statutory Guidance for the provision of carbon monoxide alarms in private rented housing.*
  5. *Make good any décor damaged as a result of these works.*
3. Following a Re-inspection of the Property on 5 July 2017, the Tribunal determined by Decision dated 1 August 2017 that the landlord had failed to comply with the RSEO. Subsequently, the landlord intimated to the Tribunal that the works required by the RSEO had been completed. The third-party applicant by email dated 12 January 2018 confirmed to the Tribunal that the works were complete.

#### **Further Re-Inspection**

4. The Ordinary Member of the Tribunal re-inspected the Property on 24 January 2018 at which Re-inspection the landlord was present. The Ordinary Member found that all of the works required by the RSEO had been completed satisfactorily. A copy the Re-inspection Report is annexed hereto.

#### **Decision of the Tribunal**

5. Having been satisfied that the works required by the RSEO had now been carried out, the Tribunal, in terms of Section 26(1) of the Act, held the view that the landlord has complied with the RSEO.
6. The decision of the Tribunal is unanimous.

#### **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.

#### **Effect of Section 63 of the 2006 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

K Moore

Karen moore  
Chairperson  
11 April 2018