

Housing and Property Chamber First-tier Tribunal for Scotland



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

CERTIFICATE OF COMPLETION under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: FTS/HPC/RP/18/ 2865

Title: Subjects at 2 Laurencecroft Road, Stirling, FK8 1AQ registered under Title Number STG64555 ("The House")

The Parties:-

Mr Jismon Mathew, residing at 2 Laurencecroft Road, Stirling, FK8 1AQ ("the Tenant")

Mr Tissan Thomas, residing at 49 Weir Street, Stirling, FK8 1FH ("the Tenant's Supporter")

Mr John Murphy, residing at Ardnaglen, Glen Road, Dunblane, FK15 0HR ("the Landlord")

Slater Hogg and Howison, 2nd Floor, 26 Springfield Court, Glasgow, G1 3DQ ("the Landlord's Representative")

The Tribunal comprised:-

Mrs Ruth O'Hare - Legal Member
Mr Robert Buchan - 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 relative to the house dated 15th January 2019 has been completed. Accordingly the said Repairing Standard Enforcement Order relative to the property 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.

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 typewritten are executed by Ruth O'Hare, Legal Member of the Tribunal at Aberdeen on 8 August 2019 before this witness:-

R O'Hare

J Todd

Witness

Legal Member

Jan Todd, c/o Scottish Courts and Tribunal
Service, Glasgow Tribunal Centre, York
Street, Glasgow

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision under section 60(4) of the Housing (Scotland) Act 2006 ("the 2006 Act")

Chamber Ref: FTS/HPC/RP/18/2865

Property at 2 Laurencecroft Road, Stirling, FK8 1AQ
("The House")

The Parties:-

Mr Jismon Mathew, residing at 2 Laurencecroft Road, Stirling, FK8 1AQ ("the Tenant")

Mr Tissan Thomas, residing at 49 Weir Street, Stirling, FK8 1FH ("the Tenant's Supporter")

Mr John Murphy, residing at Ardnaglen, Glen Road, Dunblane, FK15 0HR ("the Landlord")

Slater Hogg and Howison, 2nd Floor, 26 Springfield Court, Glasgow, G1 3DQ ("the Landlord's Representative")

The Tribunal comprised:-

Mrs Ruth O'Hare - Legal Member
Mr Robert Buchan - Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') unanimously determined that the works required by the Repairing Standard Enforcement Order ("RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

Background

1. Reference is made to the decision of the Tribunal dated 15th January 2019 which determined that the Landlord had failed to comply with the duties imposed by

Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). The Tribunal therefore made a Repairing Standard Enforcement Order which required the Landlord to carry out the following works:-

- (a) Repair or replace the toilet seat in the bathroom to ensure it is in a reasonable state of repair and in proper working order;
- (b) Repair or replace the kitchen units, fixtures and fittings to ensure they are in a reasonable state of repair and in proper working order; and
- (c) Carry out any redecoration required after completion of the above works.

The Landlord was given a period of ten weeks to complete the works.

2. The Ordinary Member carried out a re-inspection of the property on 1st May 2019. The Tenant was present and allowed access. Lisa-Carlton Scott was present on behalf of the Landlord's Representative. The findings of the re-inspection concluded that the works required by the RSEO had been completed. A copy of the re-inspection report is attached herewith.
3. The re-inspection report was subsequently circulated to the parties for comment. The Landlord's Representative responded to confirm their agreement with the findings. The Tenant did not respond.

Reasons for the decision

4. The Tribunal determined the application having regard to the findings of the re-inspection and the representations from the Landlord's Representative. The Tribunal considered it had sufficient information on which to make a determination of the application.
5. The Tribunal was satisfied on the findings of the re-inspection that the works required by the RSEO had been completed. Accordingly the Tribunal determined that a certificate of completion should be issued.
6. The decision of the Tribunal was unanimous.

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.

R O'Hare

Signed

Ruth O'Hare
Chairperson

8 August 2019

Housing and Property Chamber First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) Housing (Scotland) Act 2006 Property Re-inspection Report



Property address: 2 Laurencecroft Road, Stirling, FK8 1AQ

Chamber Reference Number: FTS/HPC/RP/18/2865

Date of re-inspection: 1st May 2019

Surveyor: R Buchan, FRICS

Circumstances of inspection: The weather was dry. Full access to the property was provided.

In attendance: The tenant, Mr Jismon Mathew and Lisa Carlton-Scott , letting agent, on behalf of the landlord, were present.

Repairing Standard Enforcement Order (RSEO)

An RSEO was served on the Landlord, Mr John Murphy, following an inspection and hearing of the Tribunal on the 14th January 2019.

The Landlord was required to carry out the following work under the terms of the RSEO:

- (a) Repair or replace the toilet seat in the bathroom to ensure it is in a reasonable state of repair and in proper working order;
- (b) Repair or replace the kitchen units, fixtures and fittings to ensure they are in a reasonable state of repair and in proper working order; and
- (c) Carry out any redecoration required after completion of the above works

Works carried out

The Landlord has undertaken the following work since the inspection and hearing:

- a) A new toilet seat has been fitted
- b) A completely new kitchen has been installed.
- c) Redecoration of the kitchen has been undertaken.

Outstanding works

No outstanding works were noted.

Photographs were taken and are attached to this report.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

R Buchan

R Buchan, FRICS
9th May 2019.

Schedule of photographs attached to re-inspection report
FTS/HPC/RP/18/2865 2 Laurencecroft Road, Stirling, FK8 1AQ



Kitchen



Detail

Schedule of photographs attached to re-inspection report
FTS/HPC/RP/18/2865 2 Laurencecroft Road, Stirling, FK8 1AQ



New toilet seat.