

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Decision to grant a Certificate of Completion of work
Under Section 60 of the Housing (Scotland) Act 2006 and a
revocation of a Rent Relief Order under Section 27 of the Housing
(Scotland) Act 2006.**

Chamber Reference: FTS/HPC/RP/20/0941

Sasines Description: ALL and WHOLE those subjects known as and forming **1 Old Post Office Close, High Street, Anstruther** being a tenement of land bounded by Wightman's Wynd, Anstruther Easter and being the subjects more particularly described in Disposition in favour of Margaret Catherine Davidson Kerr recorded in the Division of the General Register of Sasiness for the County of Fife on Sixth July Nineteen Hundred and Forty Three ("The Property")

The Parties:-

Ms Amanda Coote residing 1 Old Post Office Close, High Street East, Anstruther, KY10 3DQ ("the Tenant")

Murray & Wilson (Joiners) LTD, residing at White Gables, Ladywalk, Anstruther, Fife, KY10 3EX ("the Landlord")

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 terms of the Repairing Standard Enforcement Order ("RSEO") dated 27 July 2021 in relation to the Property, have determined that the Landlord has now complied with the terms of the RSEO and it is accordingly appropriate to grant a Certificate of Completion.

The Tribunal:-

Mr Andrew Cowan (Chairman)

Mrs Lorraine Charles (Ordinary Surveyor Member)

Background

1. The Tribunal issued a RSEO in respect of the Property dated 27 July 2021. In terms of the RSEO granted by the Tribunal the Landlord was required to:

(a) carry out such works as are necessary to ensure that the window in the small bedroom of the Property is repaired so that it is in a reasonable state of repair and in proper working order and

(b) to produce a Domestic Electrical Installation Condition Report in respect of the Property with evidence that it was carried out by a suitably qualified and registered select NAPIT or NICEIC electrical contractor, along with written evidence from the contractor who carries out that report (or another suitably qualified contractor) that the fire detection equipment which has now been installed within the Property complies with the current Scottish Government statutory guidance for the satisfactory provision for the detection and warning in the event of a fire and suspected fire and current building regulations.

2. Following the issue of the RSEO the Landlord wrote to the Tribunal by letter dated 14 August 2021. In that letter the Landlord confirmed that the window in the small bedroom on the ground floor of the Property have been repaired and was now in proper working order. He confirmed that work carried out to repair the window had been carried out on 4 August 2021.
3. The Landlord also enclosed with his letter of 14 August 2021 a copy of the Domestic Electrical Installation Report in respect of the Property. That report gave an overall assessment of the electrical installations within the property as satisfactory. The report was dated 25 February 2020. The electrical contractor who had completed the report had confirmed that he was duly qualified to provide such a report.
4. By email dated 26 August 2021 the Tenant emailed the offices of the Tribunal. The Tenant confirmed in her email that she was satisfied that all work specified in the RSEO had been carried out to her satisfaction.
5. In all of the circumstances the Tribunal are now satisfied that all necessary works, as required to ensure that the Property meets the repairing standard, have been completed and that it is appropriate to grant a Certificate of Completion.

6. In the circumstances the Tribunal are satisfied that the requirements of the RSEO have been complied with and it is appropriate to grant a Certificate of Completion.

Right of Appeal

7. A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Effect of Section 63

8. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the 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 and the preceding pages are executed by Andrew Cowan, Chairman of the Tribunal, at Glasgow on 13th October 2021 in the presence of the undernoted witness:-

A Cowan

Signed.....
Andrew Cowan, Chairman

Campbell

. Witness

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")

Chamber Ref: FTS/HPC/RP/20/0941

Sasine Description: ALL and WHOLE those subjects known as and forming 1 Old Post Office Close, High Street, Anstruther being a tenement of land bounded by Wightman's Wynd, Anstruther Easter and being the subjects more particularly described in Disposition in favour of Margaret Catherine Davidson Kerr recorded in the Division of the General Register of Sasiness for the County of Fife on Sixth July Nineteen Hundred and Forty Three ("The Property")

1 Old Post Office Close, High Street, Anstruther
("The Property")

The Parties:-

Ms Amanda Coote residing 1 Old Post Office Close, High Street East, Anstruther, KY10 3DQ
("the Tenant")

Murray & Wilson (Joiners) LTD, residing at White Gables, Ladywalk, Anstruther, Fife, KY10 3EX
("the Landlord")

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 Property dated 27 July 2021 has been completed. Accordingly, the said RSEO 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.

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 and the preceding page(s) are executed by Andrew Cowan, Chairman of the Tribunal, at Glasgow on 13th October 2021 in the presence of the undernoted witness:-

A Cowan

Campbell

Laura Campbell

Witness

Legal Member
Andrew Cowan

Clark