

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

Chamber Ref:

Property at 64 Columba Crescent, Forgewood, Motherwell ML1 3YE (“the Property”)

The Parties:-

**Douglas McCallum, 64 Columba Crescent, Forgewood, Motherwell ML1 3YE
(hereinafter referred to as “the Tenant”)**

**Shabir Latif, 12 Woodvale Road, Radcliffe, Manchester M26 1UA (hereinafter
referred to as “the Landlord”)**

Tribunal Members

John McHugh, Chairperson
Mike Links, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order dated 5 December 2013 (“the RSEO”) had not been completed.

The decision was unanimous.

Background

The RSEO dated 15 July 2015 made by the Tribunal's predecessor, a Committee of the Private Rented Housing Panel, required the Landlord to complete the following work within 28 days of service of the RSEO:

- 1 To have the central heating system put into operating condition to include ensuring that none of the radiators leak and that the boiler produces hot water as intended and to have a new Landlords Gas Safety Certificate issued by a Gas Safe registered engineer.
- 2 To repair or replace the windows such that all windows are capable of being opened and closed as designed, are reasonably draught proof and that all locking and handle mechanisms operate as intended.
- 3 To remove all mould present on the walls, ceiling and on the windows of the House and to redecorate any affected areas.
- 4 To install fire detection devices in compliance with the terms of the Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires.

The Committee, on the application of the Landlord, extended the 28 day period by a further 21 days in terms of its decision of 17 September 2015.

Reasons for the Decision

On 31 August and 28 October 2015, and again on 27 August 2018 the Surveyor Member of the Committee/Tribunal had carried out re-inspections of the House and noted that not all of the works required by the RSEO had been completed.

On 11 September 2019 the Surveyor Member carried out a further re-inspection.

At that re-inspection, the following was noted:

The property is now unoccupied.

A new gas fired central heating boiler has been installed. However, the front bedroom radiator is leaking and has been cut-off and the hall radiator was also leaking.

The kitchen and living room windows have been renewed. All the other window frames in the flat remain and are in a similar condition as previously reported.

Accordingly, all works required by the RSEO have not been completed.

A copy of the Re-inspection report has been provided to the Landlord and his comments invited. No response has been received.

The Tribunal notes that the Landlord has made repeated assertions that the works required by the RSEO have been completed and that the Tribunal has, on the basis

of those assertions, carried out re-inspections to confirm the position, only to discover that the works have not been completed.

Given that history, the Tribunal will require that the Landlord produces documentary evidence that the works outstanding have been completed before it will arrange a further re-inspection.

Right of Appeal

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

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.

J McHugh

Signed Chairperson

Date23 October 2019.....