

Housing and Property Chamber
First-tier Tribunal for Scotland



Certificate of Completion of the First-tier Tribunal for Scotland
(Housing and Property Chamber)
under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref PRHP/RP/16/0007

Re 58, Broomlands Drive, Irvine being the subjects described in the Feu Disposition by Cunninghame District Council in favour of David Colin Reilly recorded GRS (Ayr) 9th November 1994 (Search Sheet SS122281) being the subjects now registered in the Land Register of Scotland under Title Number AYR 109565 ('the Property')

The Parties:-

Ms Christiane McCorgray residing formerly at 58, Broomlands Drive, Irvine ('The Tenant')

David Riley residing at 22, Littlestane Rise, Lawthorn, Irvine, KA11 2BJ ('The Original Landlord')

Steven John Nelson and Janet McKee Steele Nelson residing at 25 Station Brae Gardens, Dreghorn, Irvine ('The New Landlords')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') (formerly the Private Rented Housing Committee 'The Committee') comprising: Jacqui Taylor (Legal Member) and Donald Wooley (Ordinary Member).

CERTIFICATE OF COMPLETION

1. The Tribunal hereby certifies that the works required by the **Repairing Standard Enforcement Order** dated 10th May 2016 ('RSEO') which required the Landlord to:

1. To install smoke and heat detectors in the property as follows:

- (a) One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes;*
- (b) one functioning smoke alarm in every circulation space, such as hallways;*
- (c) one heat alarm in every kitchen, and*
- (d) all alarms should be interlinked.*

2. To repair or replace the defective electrical socket and thereafter exhibit to the Committee a compliant Electrical Installation Condition Report.'

Have been **Completed** and the RSEO has been discharged.

Appeals

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 on this and the preceding page are executed by Jacqui Taylor, Solicitor, Chairperson of the Tribunal at Irvine on 18th December 2018 before the undernoted witness:

J Taylor

Signed.....

Chairperson

K Byrne

.....witness:

Kiersten Byrne
65 High Street
Irvine
KA12 0AL

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 60(5) of the Housing (Scotland) Act 2006

Chamber Ref PRHP/RP/16/0007

Re 58, Broomlands Drive, Irvine being the subjects described in the Feu Disposition by Cunninghame District Council in favour of David Colin Reilly recorded GRS (Ayr) 9th November 1994 (Search Sheet SS122281) being the subjects now registered in the Land Register of Scotland under Title Number AYR 109565 ('the Property')

The Parties:-

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The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') (formerly the Private Rented Housing Committee 'The Committee') comprising: Jacqui Taylor (Legal Member) and Donald Wooley (Ordinary Member).

1. The Tribunal issued a Repairing Standard Enforcement Order dated 10th May 2016 ('RSEO') in respect of the Property dated which required the Landlord:-

'1. To install smoke and heat detectors in the property as follows:

- (a) One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes;*
- (b) one functioning smoke alarm in every circulation space, such as hallways;*
- (c) one heat alarm in every kitchen, and*
- (d) all alarms should be interlinked.*

2. To repair or replace the defective electrical socket and thereafter exhibit to the Committee a compliant Electrical Installation Condition Report.'

2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 30th June 2016.
3. On 19th September 2016 the Committee determined that the Landlord had failed to comply with the terms of the RSEO.
4. On 1st December 2016 jurisdiction of the Private Rented Housing Panel passed to The Housing and Property Chamber.
5. On 27th March 2018 the New Landlords purchased the Property.
6. On 29th October 2018 the Ordinary member of the Tribunal inspected the Property and determined that the works required by the RSEO had been completed. The reinspection report is annexed and executed as relative hereto.

7. Decision

The Tribunal being satisfied that the terms of the RSEO had been satisfactorily completed determined to certify that the terms of the RSEO had been completed.

8. The decision of the Tribunal was unanimous.

9. Appeals

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.

J Taylor

Signed.....Date 18th December 2018
Chairperson

Housing and Property Chamber First-tier Tribunal for Scotland



First-Tier Tribunal for Scotland (Housing and Property Chamber) Re-inspection report

18/12/18

J Taylor



Property 58 Broomlands Drive, Irvine KA12 0DZ

Ref No: PRHP/RP/16/0007

Surveyor: Donald Wooley MRICS

Previous inspections

The subject property was originally inspected on 10th May 2016 by the Private Rented Housing Committee. A Repairing Standard Enforcement Order was served on 10th May 2016. On Thursday 7th July 2016, the property was re-inspected by George Campbell, the surveyor member of the original committee. A re-inspection report dated 7th July 2018 was prepared which concluded that all of the original works, as stated in the Repairing Standard Enforcement Order (RSEO), remained outstanding.

The original landlord of the property at the date of the application was David Riley, 22 Littlestone Rise Irvine. The property was subsequently sold by David Riley to the present owners, Steven and Janet Nelson.

The Private Rented Housing Committee, as part of the Private Rented Housing Panel, was subsequently replaced by the First-tier Tribunal for Scotland (Housing Property Chamber) with effect from 1st December 2016.

Access:

A re-inspection of the subject property was arranged for Monday 29th October 2018 at 10.00 am. I arrived at the property shortly before the appointed time and confirmed my arrival with the scheduling section at 3 Atlantic Quay, 20 York Street Glasgow by telephone. Access was provided by Mrs Janet Nelson, the current joint owner of the property.

I left the property at 10.25 am and confirmed my departure with administration.

Purpose of re-inspection

The purpose of this re-inspection was to determine if the required works as detailed under the original Repairing Standard Enforcement Order, had been completed.

Work required under the Repairing Standard Enforcement Order (RSEO):

The following works were required to be completed by the landlord in accordance with the Repairing Standard Enforcement Order:-

1. To install smoke and heat detectors in the property as follows:
 - (a) One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes;
 - (b) one functioning smoke alarm in every circulation space such as hallways;
 - (c) one heat alarm in every kitchen, and
 - (d) all alarms should be interlinked.

2. To repair or replace the defective electrical socket and thereafter exhibit to the committee a compliant Electrical Installation Condition Report (EICR).

Site Observations:

1. An Electrical Installation Condition Report (EICR) prepared by a SELECT registered electrical contractor based on an inspection of the property on 3rd April 2017 was submitted to the Tribunal on 14th September 2018. This certified the electrical installation to be in good condition and highlighted no category C1 or C2 defects

Previously defective sockets within the lounge have been repaired and are functional.

2. Functioning smoke alarms have been installed in both the hallway and living room. A heat detector has been installed in the kitchen. The devices are mains connected and interlinked.



Heat alarm kitchen 29-10-18



Smoke alarm hallway 29-10-18



Smoke alarm living room 29-10-18



Living room power socket 29-10-18

Photographs taken at 58 Broomlands Drive, Irvine KA12 0DZ on 7 July 2016
(PRHP/RP/16/0007)



01 - Elevation (ground left) (taken previously)



02 - Hall - bracket for battery-operated smoke detector



03 - Living room - power socket and TV socket



04 - Living room - power socket

Comparative photographs taken 7 July 2016

Outstanding Repairs:

There are no outstanding repairs relating to the original Repairing Standard Enforcement Order.

Comments:

I confirm having undertaken the re-inspection of the property on 29th October 2018. The original surveyor, present at both of the previous inspections is no longer available. My observations are therefore based on what was visible during my inspection together with the information provided to me in the original Determination, RSEO and previous re-inspection report.

This report will be passed to the parties for comment before being submitted to the First-tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Donald Wooley MRICS
Ordinary Member
First-Tier Tribunal for Scotland
31 October 2018