

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/17/0334

**Property at Flat G/R, 4B Duncarse Road, Dundee, DD2 4SA
("The House")**

The Parties:-

Miss Danielle Perrie and Mr Silvanus Thomson, residing at Flat G/R, 4B Duncarse Road, Dundee, DD2 4SA ("the Tenants")

Mr Michael Johnston and Mrs Theresa Johnston both residing at 45 Mains Loan, Dundee, DD4 7AF ("the Landlords")

The Tribunal comprised:-

Mrs Ruth O'Hare	-	Legal Member
Mr Angus Anderson	-	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 4 January 2018 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 25 August 2018 before this witness:-

E Johnston

R O'Hare

Witness

Legal Member

Elizabeth Johnston, 2 Mill O'Forest Grove,
Stonehaven

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision under section 25(1)(a) of the Housing (Scotland) Act 2006 ("the 2006 Act")

Chamber Ref: FTS/HPC/RP/17/0334

Property at Flat G/R, 4B Duncarse Road, Dundee, DD2 4SA
("The House")

The Parties:-

Miss Danielle Perrie and Mr Silvanus Thomson, residing at Flat G/R, 4B Duncarse Road, Dundee, DD2 4SA ("the Tenant")

Mr Michael Johnston and Mrs Theresa Johnston both residing at 45 Mains Loan, Dundee, DD4 7AF ("the Landlord")

The Tribunal comprised:-

Mrs Ruth O'Hare	-	Legal Member
Mr Angus Anderson	-	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 determination of the Tribunal dated 4 January 2018 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that they had failed to ensure the Property met the Repairing Standard. The works required by the RSEO were:-
 - (a) Carry out such works as are necessary to the kitchen cupboards to address the defects identified in the decision of the Tribunal and ensure they are in a reasonable state of repair; and
 - (b) Repair or replace the bathroom door to ensure it can close properly and is in a reasonable state of repair.

The Tribunal required the works be completed within a period of six weeks from the date of service of the order.

2. On 10 April 2018 the Ordinary Member carried out a re-inspection of the property. It was noted that partial repairs had been undertaken to both the kitchen units and the bathroom doors. Photographs were taken and report of the re-inspection is appended hereto. The report was circulated to both parties for comment and written representations received in response. In summary the Landlords indicated they were having problems gaining access to the property to complete the repairs and that the Tenants were not cooperating. The Tenants advised that the Landlords had failed to complete the works required by the RSEO and a rent relief order should be imposed as a result.
3. In view of the matters in dispute, the Tribunal determined to arrange a further hearing in the matter which was scheduled for 26 July 2018. A further re-inspection was arranged prior to the hearing in order for the Tribunal to assess whether any further repairs had been done since the re-inspection in April..
4. The re-inspection took place on 26 July 2018. On arrival, the Tribunal noted that the property was unoccupied. The Landlords advised that the Tenants had left. The Tribunal noted the Landlords were in the process of installing a new kitchen in the property and works were underway in this regard. Repairs had been undertaken to the bathroom door and it now appeared to be in proper working order.
5. A hearing subsequently took place at Dundee Carers Centre, Dundee. The Landlords attended. They advised that the Tenants had given notice that they were leaving the property and had vacated three to four weeks ago. The Tribunal was satisfied having regard to their inspection of the property that it was no longer occupied by the Tenants and accepted the Landlord's position in this regard. The Tribunal therefore considered the Tenants were no longer parties to the application.
6. In relation to the works required by the RSEO, the Landlords advised that the new kitchen would be completed within a couple of weeks. They would thereafter be re-letting the property to new tenants. The Tribunal noted that the Landlords would be able through assistance from family members to provide the Tribunal with photographs of the kitchen once complete. The Tribunal considered that the photographs would be of assistance in its consideration of the matter and it would be reasonable to allow the Landlords time to submit these prior to making a determination as to whether or not the Landlord had complied with the RSEO. Accordingly the Tribunal determined to adjourn the hearing and directed the Landlords to submit photographs of the completed kitchen once available to enable the Tribunal to take these into account in its determination of the matter.
7. By email dated 14 August 2018 the Landlords provided photographs of the fitted kitchen units. Copies of the photographs are appended hereto.

Reasons for the decision

8. The Tribunal determined the application having regard to the findings of the re-inspection and the submissions and representations from both parties. The Tribunal considered it had sufficient information on which to make a decision.
9. The Tribunal was satisfied on the basis of the re-inspection and the photographs submitted by the Landlords that works to the kitchen units had been completed to the extent that they were now in a reasonable state of repair. Further the bathroom door had been fixed and was now in proper working order.
10. The Tribunal was therefore satisfied that the Landlords had complied with the terms of the RSEO and determined that a certificate of completion should be issued.

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R O'Hare

Signed

Ruth O'Hare
Chairperson

25 August 2018

THESE ARE THE PHOTOGRAPHS REFERRED TO IN THE DECISION
OF THE TRIBUNAL DATED 25 AUGUST 2018 R O'Hare

CHAIRPERSON

Dunn, Shannon REF - FTC/HPC/RP/17/0334

From: michael johnston <pjdomestics@hotmail.co.uk>
Sent: 14 August 2018 12:02
To: HPCAdmin
Subject: Our Ref : FTS/HPC/RP/17/0334
Attachments: 54F9D84D-8C48-4901-9C92-C07F9813100C.jpeg; 7B55A77F-BC4B-4552-BD44-2D200C904C6F.jpeg; 7751E7D2-A1B9-4998-8560-FEFE56BCD0C2.jpeg; EBED73D9-4A03-4947-A9CE-E87B7DA62C53.jpeg; 0D080274-F69D-4B30-BAE7-53C8A82441EC.jpeg; 0317916A-430D-4034-B0B7-990F1065B092.jpeg; 04B5F470-0525-4AFB-B05B-5151978F66BF.jpeg; FB997D84-C458-408A-B614-4FD4C222E614.jpeg; 8F3EAA61-7152-4B75-99D8-C91879A4B3FA.jpeg

Categories: To be Discussed with TL

















