

# Housing and Property Chamber

## First-tier Tribunal for Scotland



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

Certificate of completion of work: Housing (Scotland) Act 2006 Section 60

Chamber Ref: FTS/HPC/RP/17/0439

Title no/Sasines Description:

All and Whole the dwelling house known as 18 Hillside Street, Edinburgh EH7 5HB being the the northmost main door house on the ground flat more particularly described in Disposition to Robert Muirhead Allan recorded in the Division of the General Register of Sasines for the County of Midlothian 16 May Eighteen Ninety Five (hereinafter referred to as "the Property")

The Parties:-

Phyllis North, residing at 18 Hillside Street, Edinburgh EH7 5HB (hereinafter referred to as "the Tenant")

MCET Limited, The Merchants' Hall, 22 Hanover Street, Edinburgh, EH2 2EP (hereinafter referred to as "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** relative to the Property dated 27 February 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 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.

In witness whereof these presents type are executed by John Miller McHugh, solicitor, 65 Haymarket Terrace, Edinburgh, Charing Member of the Tribunal at Edinburgh on 6 July 2018 before this witness:-

J M Sillans \_\_\_\_\_ witness J M McHugh \_\_\_\_\_ Charing Member

SILLANS name in full

65 HAYMARKET TERRACE Address

EDINBURGH

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**STATEMENT OF DECISION: Housing (Scotland) Act 2006 Sections 25(1) and 60**

**Chamber Ref: FTS/HPC/RP/17/0439**

**Phyllis North, residing at 18 Hillside Street, Edinburgh EH7 5HB  
(hereinafter referred to as “the Tenant”)**

**MCET Limited, The Merchants' Hall, 22 Hanover Street, Edinburgh, EH2  
2EP (hereinafter referred to as “the Landlord”)**

### **Tribunal Members**

John McHugh, Chairperson

Andrew Murray, Ordinary (Surveyor) Member

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the work required by the Repairing Standard Enforcement Order dated 27 February 2018 (“the RSEO”) had been completed and resolved to issue a Certificate of Completion of Work.**

The decision of the Tribunal Members was unanimous.

## **Background**

The RSEO required the Landlord to complete the following work within 60 days of service of the RSEO:

- 1 To render the living room chimney reasonably weatherproof.
- 2 To repair the kitchen windows such that they are reasonably wind and watertight and capable of being opened and closed.
- 3 To repair the crack in the living room wall with flexible filler material and to replaster and/or redecorate in order that the wall is in reasonable decorative order.
- 4 To replace the bath and its tiling surround with a bath in good repair and suitable surrounding tiles or other suitable material so that it is properly sealed and that there remain no damaged tiles.

## **Reasons for the Decision**

On 15 May 2018, the Surveyor Member of the Tribunal re-inspected the Property and made the following findings:

1. The plaster cracks have been satisfactorily repaired, and the area redecorated. The matter has been rectified to the Tribunal's satisfaction.
2. The bathroom has been completely refurbished. The matter has been rectified to the Tribunal's satisfaction.
3. The kitchen windows have been repaired. The Member did not physically test the windows. Ms North however confirmed they were now in working order. The matter has been rectified to the Tribunal's satisfaction.
4. The front chimney pot (facing Hillside Street) has been fitted with a protective metal cowl. Ms North confirmed that this has solved the problem of wind-blown rain/debris entering the lounge via the chimney flue. The matter has been rectified to the Tribunal's satisfaction.

On 7 June 2018, the Applicant confirmed to the office of the Tribunal that she accepted the findings of the Re-inspection report.

## Right of Appeal

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party 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.

Signed **J McHugh** .....

John McHugh

Date .....6 July 2018.....

Chairperson