

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/18/1521

Title no/Sasines Description: MID91779

Property: 8 Oxgangs House, Oxgangs Grove,
Edinburgh EH13 8HE ("The house")

The Parties:-

Miss Gemma Hicks, 8 Oxgangs House, Oxgangs Grove,
Edinburgh EH13 9HE ("the tenant")

Thomas Reilly, ("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 22 October 2018 has been completed. Accordingly the said RSEO relative to this property has been discharged.

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 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 the presents typewritten on this and the preceding page are subscribed as follows:-

M Thorley

A Chen

..... Chairing Member

..... Witness

[Signature]..... Place of signing

20 Hopekorn Street..... Witness address

10 July 2020..... Date of signing

Edinburgh EH7 4GH

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Housing and Property Chamber First-tier Tribunal for Scotland



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Statement of Decision: Housing (Scotland) Act 2006

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The Parties:-

Miss Gemma Hicks, 8 Oxgangs House, Oxgangs Grove, Edinburgh EH13 9HE (“the tenant”)

Thomas Reilly, (“the landlord”)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the tribunal’), having made such enquiries as was appropriate for determining whether the landlord has complied with the Repairing Standard Enforcement Order (RSEO) in relation to the property concerned and taking account of the subsequent re-inspection of the property and the subsequent documentation provided by the landlord, determined that the landlord has complied with the order and that a Certificate of Completion of Work to that effect should be issued in terms of Section 60 of the Housing (Scotland) Act 2006.

Background

1. By way of decision dated 22 October 2018 the tribunal issued a determination that the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).
2. The Tribunal required the landlord –
 - (a) To have the boiler in the house inspected by a suitably qualified and registered gas heating engineer to establish that it is in a reasonable state of repair and in proper working order and to provide a written report in respect of same.
 - (b) To undertake a complete overhaul of the kitchen in terms of the kitchen cabinets and to undertake such plumbing work as is required to the drainage pipe from the sink by a suitably qualified tradesman.
 - (c) To have attached to the bath the bath panel by a suitably qualified tradesman.
 - (d) The work was required to be undertaken within a period of 28 days from the date of the notice.

3. On 25 April 2019 a re-inspection of the property was carried out by Mr Greg Adams, Ordinary Member and Qualified Surveyor of the Tribunal. The following was noted –
 - (i) A Gas Safety Certificate (dated 12 March 2019) was evident however the certification stated that the flow and return valves on the boiler were leaking. No further evidence in the way of invoices are exhibited by the landlord to outline any further action taken in relation to such leaks outlined. In addition no written report has been submitted in relation to this installation.
 - (ii) The kitchen units had been replaced and were found to be in good order save for one damaged door front which the occupant had damaged.
 - (iii) The bath panel had been affixed to the bath.
4. The Tribunal determined that the landlord had complied with parts (b) and (c) of the Repairing Standard Enforcement Order but have failed to comply with part (a).
5. Subsequently a variation of the Repairing Standard Enforcement Order was then made.
6. Subsequently the landlord has provided an invoice from a heating engineer dated 11 November 2019 confirming that the boiler at the address has been checked for gas and water leaks and the boiler was found to be in working order.
7. Accordingly the Tribunal determined that the works as required to be performed under the RSEO had been performed.

Right of Appeal

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.

M Thorley

Signed

Chairperson

Date

10th Jan 2020