

Housing and Property Chamber
First-tier Tribunal for Scotland



Certificate of completion of work

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

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RP/18/3097

Re: 33B Glenacre Drive, Glasgow G45 9DT (“the house”)

Land Register Title No: GLA136346

The Parties:-

Ms Michelle Fenton, residing at the house (“the tenant”)

Mr Michael Duffy, 66 Firpark Road, Bishopbriggs, Glasgow G64 1SU (“the landlord”)

Tribunal Members – Sarah O'Neill (Legal Member) and Mike Links (Ordinary Member, Surveyor)

CERTIFICATE OF COMPLETION

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 issued by the tribunal on 4 February 2019, and varied on 16 April, 11 June and 7 October 2019, has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house 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 printed on this and the preceding page are executed by Sarah O'Neill, solicitor, Chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the seventh day of January 2020 before this witness:

J Devlin

S O'Neil

witness

Chairperson

JORDAN DEVLIN

name in full

20 York Street

Address

Glasgow Tribunals

G2 8GT

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement relative to Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal')

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RP/18/3097

Re: 33B Glenacre Drive, Glasgow G45 9DT ("the house")

Land Register Title No: GLA136346

The Parties:-

Ms Michelle Fenton, residing at the house ("the tenant")

Mr Michael Duffy, 66 Firpark Road, Bishopbriggs, Glasgow G64 1SU ("the landlord")

Tribunal Members – Sarah O'Neill (Legal Member) and Mike Links (Ordinary Member, Surveyor)

1. The tribunal issued a Repairing Standard Enforcement Order (RSEO) in respect of the house on 4 February 2019.
2. The RSEO required the landlord to carry out the following repairs:
 1. Instruct a suitably qualified contractor to repair or replace: 1) all of the windows in the house, including the vents and 2) the rear kitchen door, to ensure that all windows and the rear kitchen door are wind and watertight and in proper working order.
 2. Instruct a suitably qualified specialist surveyor to produce a dampness report in respect of the house, and to carry out any remedial works recommended in that report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation. A copy of the specialist surveyor's report should also be copied to the tribunal within the timescale set out below.

3. Instruct a suitably qualified plumbing contractor to carry out an examination of the entire plumbing installation at the house, including the boiler/cylinder, to check the water purity within the house, and investigate the cause of the plumbing issues within the house, including a) the discoloured water in the bathroom and 2) the leak under the kitchen sink and c) any issues with the water going into the washing machine. A copy of the plumbing contractor's report should also be copied to the tribunal within the timescale set out below.
4. Carry out any works recommended by that contractor, in order to ensure that the water within the house is safe to use; and that the plumbing installation is in a reasonable state of repair and in proper working order.
5. Instruct a suitably qualified electrical contractor to repair or replace the lights under the kitchen cupboard, to ensure that they are in a reasonable state of repair and in proper working order.
6. Replace the dishwasher with a new dishwasher which is in a reasonable state of repair and in proper working order.
7. Replace the electric oven with a new oven which is in a reasonable state of repair and in proper working order.
8. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The tribunal ordered that the works specified in the RSEO must be carried out and completed within 8 weeks from the date of service of the RSEO.

3. The tribunal varied the RSEO on 16 April, 11 June and 7 October 2019 to extend the period for the completion of the remaining works. The variation dated 7 October 2019 extended the deadline until 31 October 2019.
4. The ordinary (surveyor) member of the tribunal carried out a re-inspection of the house on 3 December 2019. A copy of his re-inspection report dated 3 December 2019 is attached to this statement of reasons. He found that all of the outstanding works required by the RSEO had been completed. Both parties have confirmed to the tribunal in writing that they agree with the findings of the re-inspection report
5. The tribunal therefore determined that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Act should be issued.

Rights 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.

S O'Neil

Signed.......... Date..... 7/1/20.....
Sarah O'Neil, Chairperson

Housing and Property Chamber First-tier Tribunal for Scotland



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

RE-INSPECTION REPORT



PROPERTY: 33B Glenacre Drive, Glasgow G45 9DT

HPC REF No: FTS/HPC/RP/18/3097

SURVEYOR: Mr M Links

IN ATTENDANCE: Ms Michelle Fenton (Tenant)

Mr Michael Duffy (Landlord)

Ms Judith Stevenson (Tenant's representative – Castlemilk Law
& Money Advice Centre)

Mr Waqar Ali (Venue Assistant to the Tribunal)

WEATHER: Dry and overcast.

*This is the reinspection report dated 3 December 2019
referred to in the foregoing statement of reasons.
S O'Neil
7/1/20*

PHOTOGRAPHS: All photographs in this report were taken on the day of inspection.

ACCESS: I re-inspected the property on Tuesday 3rd December 2019 at 2pm

RSEO:

The following works are required by the RSEO following on from the Inspection and Hearing on 22nd January 2019.

1. Instruct a suitably qualified contractor to repair or replace: 1) all of the windows in the house, including the vents and 2) the rear kitchen door, to ensure that all windows and the rear kitchen door are wind and watertight and in proper working order.
2. Instruct a suitably qualified specialist surveyor to produce a dampness report in respect of the house, and to carry out any remedial works recommended in that report, in order to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation. A copy of the specialist surveyor's report should also be copied to the tribunal within the timescale set out below.
3. Instruct a suitably qualified plumbing contractor to carry out an examination of the entire plumbing installation at the house, including the boiler/cylinder, to check the water purity within the house, and investigate the cause of the plumbing issues within the house, including a) the discoloured water in the bathroom and 2) the leak under the kitchen sink and c) any issues with the water going into the washing machine. A copy of the plumbing contractor's report should also be copied to the tribunal within the timescale set out below.
4. Carry out any works recommended by that contractor, in order to ensure that the water within the house is safe to use; and that the plumbing installation is in a reasonable state of repair and in proper working order.
5. Instruct a suitably qualified electrical contractor to repair or replace the lights under the kitchen cupboard, to ensure that they are in a reasonable state of repair and in proper working order.
6. Replace the dishwasher with a new dishwasher which is in a reasonable state of repair and in proper working order.
7. Replace the electric oven with a new oven which is in a reasonable state of repair and in proper working order.
8. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

A previous re-inspection was undertaken on the 12th August 2019.

The RSEO was varied on the 16th April 2019, 11th June 2019 and 7th October 2019 to allow the Landlord more time to complete the necessary works.

The aforementioned Decisions, reports and RSEO variations should be read in conjunction with this report.

WORKS IN RSEO UNDERTAKEN:

See detail of works undertaken in re-inspection report dated 12th August 2019

Item 2 in RSEO: A vent has been installed in the bathroom at the rear wall.
Redecoration has been undertaken.

The Tenant stated she was satisfied with these works.



New vent in Bathroom. Redecorated.

Item No 3 in RSEO. The tenant stated that if the dish washer is not in use whilst the washing machine is on then there is little or no smell emanating from the washing machine. The tenant stated she is happy to accept this as being satisfactory.

WORKS IN RSEO OUTSTANDING: None.

RECOMMENDATION:

Once the re-inspection report is forwarded to the Landlord and Tenant/Representative for comment the Tribunal will then decide what further action is required.

Mr M Links

Ordinary Member (Surveyor)

Housing and Property Chamber

Date: 3rd December 2019