

Housing and Property Chamber First-tier Tribunal for Scotland



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

Certification that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RP/19/0105

Flat 1, 76 Regent Quay, Aberdeen, AB11 5AR Title Number ABN90145
("The property")

The Parties:-

Ricky McCombie, residing at Flat 1, 76 Regent Quay, Aberdeen, AB11 5AR
("the Tenant")

St Andrews Estates (Scotland) Ltd, c/o Lotus Property, The Factory, 184 Newry Road, Banbridge, BT32 3NB
("the Landlords")

Stonehouse Lettings, Osborne House, 27-30 Carden Place, Aberdeen, AB10 1UP
("the Letting Agents")

Tribunal Members:

Adrian Stalker (Chairman) and Andrew Murray (Ordinary Member)

The First-tier tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") having so determined on 30 October 2019, hereby grants certification that the work required by the **Repairing Standard Enforcement Order** of 11 April 2019 relative to the property has been completed, with effect from the date of service of this Certificate, and the relative decision. Accordingly, the said RSEO 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 type written on this and the preceding page are executed by Adrian Stalker, advocate, Advocates Library, Parliament House, chairperson of the tribunal at Edinburgh, before this witness:-

Debbie Dawson witness

A Stalker

DEBBIE DAWSON name in full

PARLIAMENT HOUSE Address

EDINBURGH

Housing and Property Chamber First-tier Tribunal for Scotland



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

Statement of Decision to Certify that the work required by a Repairing Standard Enforcement Order has been completed: Housing (Scotland) Act 2006, Section 60

Chamber Ref: FTS/HPC/RP/19/0105

Flat 1, 76 Regent Quay, Aberdeen, AB11 5AR Title Number ABN90145
("The property")

The Parties:-

Ricky McCombie, residing at Flat 1, 76 Regent Quay, Aberdeen, AB11 5AR
("the Tenant")

St Andrews Estates (Scotland) Ltd, c/o Lotus Property, The Factory, 184 Newry Road, Banbridge, BT32 3NB
("the Landlords")

Stonehouse Lettings, Osborne House, 27-30 Carden Place, Aberdeen, AB10 1UP
("the Letting Agents")

Tribunal Members:

Adrian Stalker (Chairman) and Andrew Murray (Ordinary Member)

Decision

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), decided to certify that the work required by the Repairing Standard Enforcement Order ("RSEO") of 11 April 2019, has been completed, with effect from the date of service of this decision, and the relative certificate under section 60.

Finding and reasons for decision

1. Reference is made to the Tribunal's determination in this case, the RSEO, and the decision of 20 May to vary the RSEO.
2. By email dated 24 July 2019, the tenant confirmed to the Tribunal that he had vacated the property, and was no longer residing there.

3. The Property was re-inspected by Ordinary (Surveyor) Member on 5 August 2019. The Ordinary Member found that:

- Draft proofing strips are fitted at the front entrance door to the flat.
- The windows have been refurbished. However, the left hand side window (facing internally) was stuck and could not be opened.
- The kitchen window has been repointed externally.
- A new storage heater has been installed in the lounge.

4. The letting agents' representative confirmed that a joiner would be dispatched to repair the left hand side window and that the Tribunal office would be contacted when this work was complete.

5. An email was received from the letting agents on 16 September, confirming that the stiffness in the left hand side window had been rectified by Aberdeen Sash Windows.

6. Accordingly, the Tribunal decided to certify that the work required by the RSEO has been completed. The section 60 Certificate is referred to for its terms.

7. The decision of the Tribunal was unanimous.

8. In terms of section 63 of the Housing (Scotland) Act 2006, this decision, and the variation, have effect from the date on which it is served.

9. 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.

10. 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.

A Stalker

Signed

Date 30 October 2019

Chairman