

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/18/0034

Title No: WLN38625

**133 Fells Rigg, Livingston, EH54 8PB
("the Property")**

The Parties:-

**Miss Siobhan Deegan and Mr Thomas Mackay, formerly residing at the property
("the former Tenants")**

**West Lothian Council, Housing Needs HCBS, Ground Floor Civic Centre,
Howden Road South, Livingston, EH54 6FF
("the Third Party")**

**Mr William Reynolds and Miss Debbie Thompson, 3 Sarazen Court, Livingston,
EH54 8SW
("the Landlords" and former owners of the property, which property is now
owned by John Gerard Mawhinney and Tracy Lynn Spence)
Represented by Mr Des Maguire, Solicitor, Allcourt, Solicitors, 1 Carmondean
Centre, Carmondean, Livingston, EH54 8PT**

The Decision

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 served on 15 May 2018 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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."

In witness whereof these presents type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Glasgow on 18 December 2018 before this witness:-

N Pryce

N Pryce

name in full

witness

P Pryce

65 BLYTHWOOD ST
GLASGOW

Address

Chair and Legal Member

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: FTS/HPC/RP/18/0034

**133 Fells Rigg, Livingston, EH54 8PB
("the Property")**

The Parties:-

**Miss Siobhan Deegan and Mr Thomas Mackay, formerly residing at the property
("the Tenants")**

**West Lothian Council, Housing Needs HCBS, Ground Floor Civic Centre,
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owned by John Gerard Mawhinney and Tracy Lynn Spence)**

**Represented by Mr Des Maguire, Solicitor, Allcourt, Solicitors, 1 Carmondean
Centre, Carmondean, Livingston, EH54 8PT**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order dated 27 April 2018 in respect of the property, and taking account of the written information provided by the Landlords, determined that the Landlords have complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce

- **Chair and Legal Member**

Sara Hesp

- **Ordinary Member (Surveyor)**

Background

1. On 15 May 2018, the tribunal issued a determination which stated that the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the Landlords:
 - (a) To install fire detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 – Fire, sub-section 2.11 Communication.
 - (b) Once the works in paragraph (a) are carried out, to produce an Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT registered electrician and to undertake any work which is identified in said report to be of Category C1 or C2.
3. The tribunal ordered that the works specified in the RSEO were to be carried out within 21 days of the date of service of the Notice, that is, 5 June 2018.
4. The Tenants had previously vacated the property. After several attempts, the Landlords, despite having sold the property to the new owners as noted above, provided to the tribunal an EICR which complied with the terms of the RSEO.
5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.
6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

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

P Pryce

Chair and Legal Member

18 December 2018

Date