

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/17/0369

Title number: Subjects registered in the Land Register of Scotland under title number INV2594

House address: 117 Laurel Avenue, Inverness, IV3 5RS ('the House')

The Parties:-

Mr Terry Hynes residing at 117 Laurel Avenue, Inverness, IV3 5RS ('the Tenant')

Ms Diana McChesney residing at 21 Main Street, Mullybritt, Lisbellaw, Enniskillen, BT94 5ER ('the Landlord')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') hereby certifies that the work required by the varied **Repairing Standard Enforcement Order** relative to the Property dated 29th June 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 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.

In terms of Section 63 of the Act, 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 typewritten on this and the preceding page are executed by Helen Forbes, solicitor, chairperson of the Tribunal at Inverness on 11th February 2019 before this witness:-

H Forbes

M Forbes

Chairperson

Witness

Margaret Forbes
67B Glenurquhart Road
Inverness
IV3 5NX

Housing and Property Chamber

First-tier Tribunal for Scotland



DETERMINATION BY FIRST-TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Statement relative to the 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

Chamber Ref: FTS/HPC/RP/17/0369

Title number: Subjects registered in the Land Register of Scotland under title number INV2594

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The Parties:-

Mr Terry Hynes residing at 117 Laurel Avenue, Inverness, IV3 5RS ('the Tenant')

Ms Diana McChesney residing at 21 Main Street, Mullybritt, Lisbellaw, Enniskillen, BT94 5ER ('the Landlord')

Decision

1. Further to a decision of the Private Rented Housing Tribunal dated 20th December 2017, the Tribunal issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property. The members of the Tribunal were Helen Forbes, Chairperson, and Harry MacLean, Ordinary Member. Within 8 weeks of the date of service of the RSEO, the Landlord was required to:-
 1. Re-bed the coping stones and concrete blocks at the front gate to ensure they are securely fixed;
 2. Make satisfactory improvements to the area around the gas meter to ensure that the area is no longer susceptible to flooding;
 3. Repair the central heating system to ensure that it is fully functional and that the heating and hot water systems operate independently of each other;
 4. Repair the upstairs toilet cistern to ensure proper operation of the cistern;
 5. Fit matching worktop edging to exposed worktops in the kitchen;

6. Fit skirting boards in the kitchen;
 7. Provide a chain and plug for the kitchen sink;
 8. Re-instate the alcove cupboard in the kitchen, fitting a door to the cupboard;
 9. Fit quadrant beading to the hallway ceiling where it is missing;
 10. Fit a proper-fitting door on the electric meter cupboard;
 11. Install a suitable and operational gas fire in the sitting room;
 12. Repair or replace internal upstairs doors to ensure all holes are filled and all doors have functional handles and latches;
 13. Install a heat alarm in the kitchen to ensure that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
2. The Landlord requested a review of the Tribunal's decision on 8th February 2018. Further information was sought from parties. The Tribunal decided to amend the Statement of Decision dated 20th December 2017 to remove the finding that the Landlord had breached section 13(1)(f) of the Act, as the House appeared to have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. The Tribunal decided to vary the RSEO to remove point 13, the requirement to have a heat alarm fitted in the kitchen, and to extend the time allowed for compliance with the RSEO by a further period of six weeks. The varied RSEO was dated 26th April and issued on 3rd May 2018.
 3. By email dated 31st May 2018, the Landlord requested permission to appeal point 11 of the RSEO. Permission to appeal the review decision was refused, in terms of Rule 37(3)(a) of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the Rules").
 4. By email dated 17th June 2018, the Tenant requested that the Landlord be allowed further time to comply with the RSEO, in particular in relation to point 11.
 5. The Tribunal varied the RSEO to extend the period allowed for the completion of the works required by the RSEO to a period of twelve weeks from the date of receipt of the varied RSEO, which was dated, and issued on, 29th June 2018.
 6. A re-inspection of the Property by the Ordinary Member took place on 23rd October 2018. The Ordinary Member produced a report with photographs for the Tribunal. Said report with photographs is produced as relative hereto. The Ordinary Member found that point 11 of the RSEO had not been complied with.

7. A further re-inspection of the Property by the Ordinary Member took place on 15th January 2019. The Ordinary Member produced a report with photographs for the Tribunal. Said report with photographs is produced as relative hereto. The Ordinary Member found that the RSEO had been complied with.
8. The Tribunal considered whether or not it was appropriate to find that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of section 60 of the 2006 Act should be issued. The Tribunal agreed that the appropriate Certificate should be issued.

Right of Appeal

9. **A landlord, tenant or third party Tenant 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.**

Effect of section 62 of the 2006 Act

10. Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decisions and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

H Forbes

Chairperson

First Tier Tribunal for Scotland (Housing and Property Chamber)

Date: 11th February 2019

*This is the reinspection report dated 30th October 2018
and referred to in the foregoing Decision*

H Forbes

Cumwag 11th February 2019
Housing and Property Chamber
First-tier Tribunal for Scotland



Re-inspection Report



Front Elevation – October 2018

HPC Ref: FTS/HPC/RP/17/0369

Re: 117 Laurel Avenue, Inverness, IV3 5RS

Surveyor Harry J Maclean MSc FRICS

Access:

I re-inspected the property at 1200 on 23rd October 2018 and was shown around by the tenant Mr Terry Hynes. An SCTS assistant was also present from SecuriGuard, as were a couple who were there to represent the landlord.

The weather was 12 degrees Celsius, dry and bright.

Purpose of the re-inspection:

The purpose of this second re-inspection was to establish whether the repairs directed by the RSEO had been completed and to a satisfactory standard.

The RSEO had previously been issued by HPC Committee Legal member Helen Forbes and Ordinary member Harry Maclean after visiting on 20th December 2017.

Under the RSEO, the Committee determined at this time that the landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("The Act").

In particular, the Committee required the Landlord:

1. To re-bed loose coping stones at the front gate
2. Make improvements around the gas meter to prevent flooding
3. Repair the central heating system
4. Repair the upstairs toilet
5. Fit edging to worktops in kitchen – exposed at cut ends
6. Fit skirting boards to kitchen where removed
7. Plug & Chain for kitchen sink
8. Reinstall kitchen alcove to kitchen wall
9. Fit quadrant beading around hallway ceiling
10. Fit proper fitting door to electric meter cupboard in hall
11. Install suitable and operational gas fire to lounge
12. Repair or replace upstairs bedroom doors that have holes in them
13. Install a heat alarm in the kitchen

On Re-inspection I observed the following;

1. The coping stones at the front gate had been re-bedded and secured. This is now completed.
2. The gas meter area – ground levels had been adjusted and no longer flooded. This is now completed.
3. The boiler had been replaced with a new gas boiler and the heating now worked as designed. This is now completed.
4. The upstairs toilet cistern had been repaired, although occupied at time of inspection. This is now completed.
5. Kitchen worktop ends were now sealed. This is now completed.
6. Kitchen skirting boards had been reinstated. This is now completed.
7. Plug and chain were fitted to the kitchen sink. This is now completed.
8. The alcove in the kitchen previously covered over had been reinstated. This is now completed.
9. The quadrant beading around the hallway ceiling was fitted. This is now completed.
10. There was a proper door to the electric meter cupboard. This is now completed.
11. The gas fire to the lounge had not been installed – This is NOT completed.
12. The first floor bedroom doors had been replaced by new doors. This is now completed.
13. The kitchen alarm had been checked and verified by the Inverness local fire officers as being a rate of rise heat alarm. This is now completed.



Re--bedded Coping stones at front of property



Area around gas meter no longer flooding



Central heating repaired – new boiler fitted



First floor WC cistern now functioning



Kitchen worktops – edges now sealed



Kitchen alcove now reinstated and skirting boards fitted



Kitchen sink – with plug and chain



Electricity meter cupboard – now with door



Gas fire to lounge – not yet installed



First floor bedrooms – new doors



Kitchen ceiling – heat detector verified and working by Fire Service

Outstanding matters

Most matters requested in the RSEO have been attended to, with the exception of the gas fire to the lounge. This should be installed by a registered Gas Safe engineer, of whom there are many in the Inverness area.

Comments

This report will be distributed to the landlord and his representatives for their comment and will be referred afterwards to the Committee of the Housing and Property Chamber for their consideration and further action.

H Maclean

Surveyor Member

Housing and Property Chamber

30th October 2018

*This is the reinspection report dated 15th January 2019,
and referred to in the foregoing Decision*

H Forbes

Inverness
14th February 2019
Housing and Property Chamber
First-tier Tribunal for Scotland



FTS/HPC/RP/17/0369

**Schedule of photographs taken during Re-inspection of
117 Laurel Avenue, Inverness**

15th January 2019 at 1200hrs

Photograph 1:



External front elevation

FTS/HPC/RP/17/0369

Photograph 2: Re-bed front gate coping stones- COMPLETED



Photograph 3: Gas meter area – flooding measures – COMPLETED



Photograph 4: Repair Central heating. New boiler installed. COMPLETED



Photograph 5: Repair WC cistern. COMPLETED



Photograph 6: Worktop edgings sealed. COMPLETED:



Photograph 7: Fit skirting boards to kitchen. COMPLETED



Photograph 8: Chain & plug to kitchen sink. COMPLETED



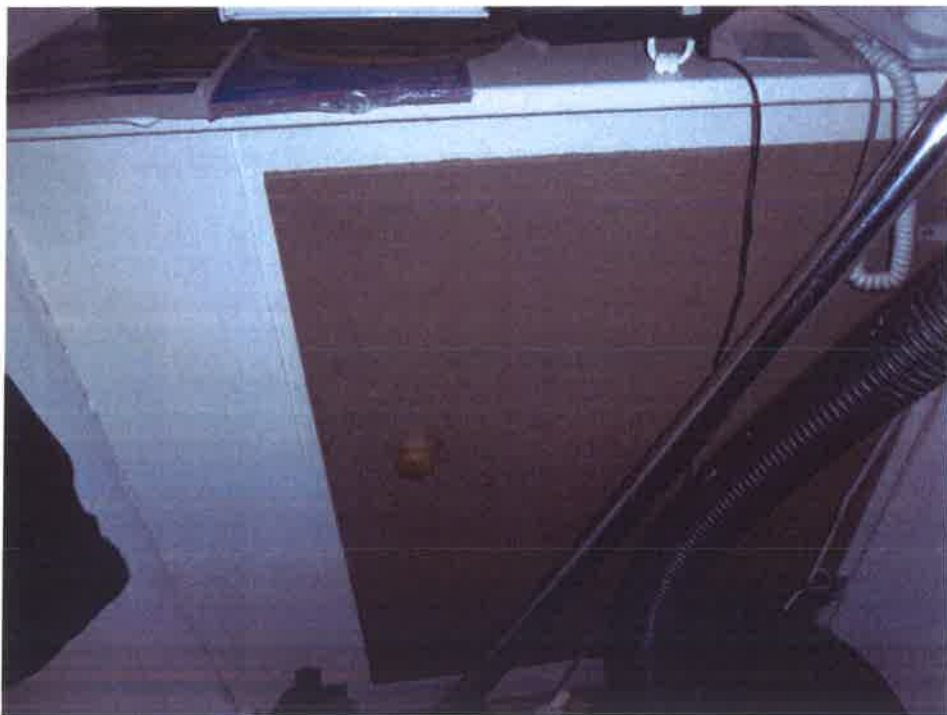
Photograph 9: Kitchen alcove cupboard. COMPLETED



Photograph 10:: Quadrant bead to hallway ceiling. COMPLETED



Photograph 11: Electric meter cupboard door. COMPLETED



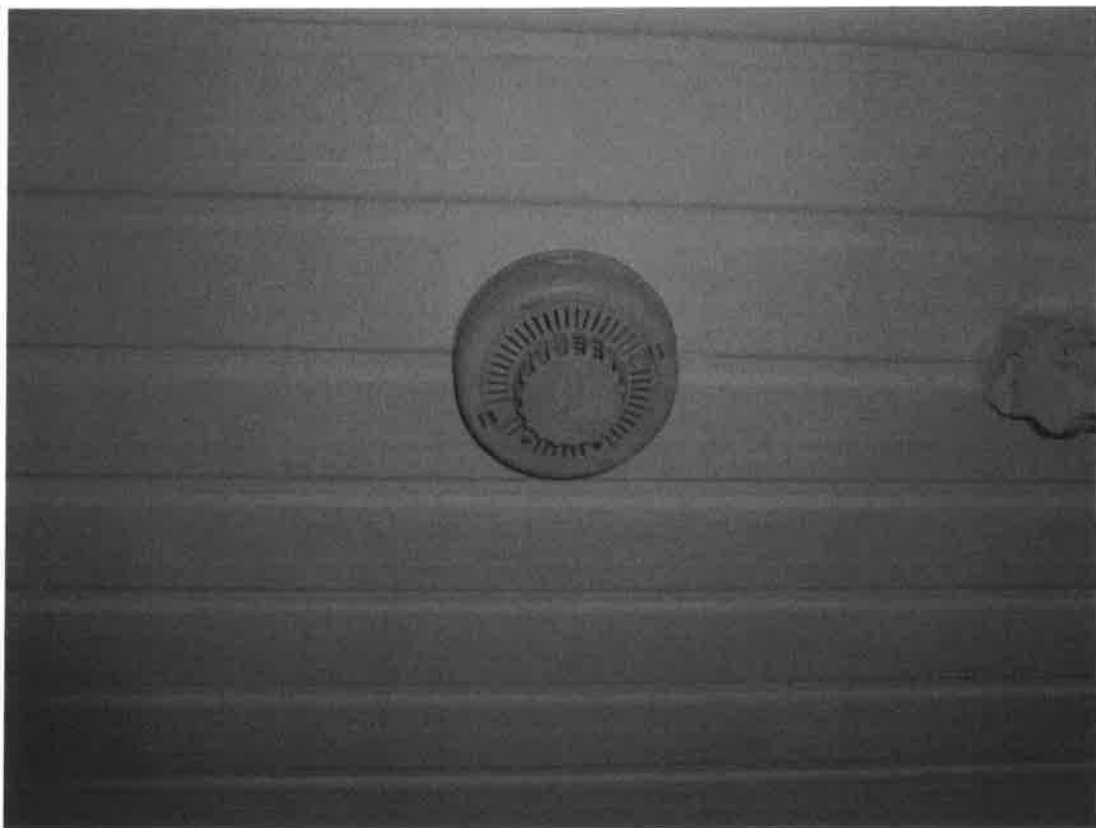
*Photograph 12: Install suitable and operational gas fire. New fire installed
COMPLETED*



Photograph 13: Repair or replace upstairs doors. COMPLETED



Photograph 14; Heat Alarm to kitchen. Verified and checked by Scottish Fire & Rescue Service. COMPLETED



SUMMARY:

It can be seen by the above photographic evidence and further to re-inspections in November 2018 and finally on the 15th January 2019, that all works raised on the RSEO in November 2017 have now been completed.