

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

Chamber Ref: PRHP/RP/15/0260

Property at: 5B Keir Avenue, Raploch, Stirling, FK8 1QL

Title No: STG25149

The Parties

Miss Debbie Goodbrand, residing at 5B Keir Avenue, Raploch, Stirling, FK8 1QL
("the tenant")

and

Mr Athar Almass Firdous, residing at 32 Alpin Drive, Dunblane, FK15 0FQ
("the landlord")

Tribunal Members

Paul Doyle	Chairperson
Andrew Taylor	Ordinary Member

Decision

1 On 24 December 2015, the Private Rented Housing Committee (now **First-tier Tribunal for Scotland (Housing and Property Chamber)**) issued a decision requiring the landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 21 December 2016 ("The RSEO")

2. The RSEO required the Landlord to carry out the following works

- (i) Replace the damaged double glazing unit to living room window.
- (ii) Carry out such works as are necessary to eliminate water ingress at living room window at sill level, include all making good.
- (iii) Securely refix kitchen central heating radiator to wall.
- (iv) Repair or replace the back door so that it is secure, wind and watertight, capable of being locked and in proper working order.

(v) Carry out such works as are necessary to eliminate water ingress adjacent to back door frame, include all making good.

(vi) Repair the holes in ceilings in the kitchen and the front facing bedroom and make good.

(vii) Repair or replace the damaged laminate flooring in hall to eliminate trip hazard.

(viii) Repair or replace insecure bath including making good seals at wall.

(ix) Repair WC cistern mechanism to eliminate running overflow.

(x) Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property, by a suitably qualified and registered SELECT or NICEIC electrical contractor.

(xi) Carry out all works as recommended by that check to ensure that the electrical installation is safe, functional and in proper working order. These works to include the repair or replacement of the instantaneous shower unit.

(xi) Provide a Domestic Electrical Installation Certificate for the works carried out. Including all ancillary works, making good and decoration. (The Scottish Government has a searchable database containing details for all registered electricians in Scotland.)

(xii) Engage a suitably qualified, and Gas Safe registered, heating engineer to service the gas central heating boiler and investigate the fault causing the boiler to malfunction. Ensure that the boiler and remainder of the heating installation is safe, functional and in proper working order.

(xiii) Carry out a gas safety check and provide a gas safety certificate.

(xiv) Provide and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5839 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 -Fire, Sub-section 2.11 Communication.

(xv) Provide a carbon monoxide detector in accordance with the Scottish Government Statutory Guidance for the provision of carbon monoxide alarms in private rented housing.

All within two months of the date of service of service of the RSEO.

3. On 6 May 2016 the ordinary member of this tribunal attempted to re-inspect the property to see if the works required by the Repairing Standard Enforcement Order ("RSEO") had been carried out, He was not able to gain access to the property. On 27 September and 19 December, both 2016, both members of this tribunal attempted to re-inspect the property to see if the

works required by the RSEO had been carried out. On neither attempt were they able to gain access to the property.

4. On 27 September and 19 December both 2016, hearings were convened to discuss whether the works required by the RSEO have been carried out. Both the tenant and the landlord were timeously notified of the date, time and place of the hearings. Neither the tenant nor the landlord attended either hearing, nor were they represented at either hearing.

5. On 21 June 2017 Tribunal members successfully re-inspected the property and found that almost all of the works required by the RSEO had been satisfactorily completed by the landlord. A hearing was convened on 21 June 2017 at 11.30am within Wallace House, Maxwell Street, Stirling. Neither the tenant nor the landlord attended that hearing, nor were they represented at that hearing.

6. By email dated 14 July 2017 the Landlord provided satisfactory Gas safety certificates, but sent EICR certification for another property he owns. Despite repeated requests, the landlord has not produced a satisfactory EICR certificate for this property. Satisfactory EICR certification is now the only outstanding part of the RSEO. The remainder of the requirements of the RSEO have been met.

7. In the circumstances, the Tribunal cannot be satisfied that all works required by the Repairing Standard Enforcement Order had been carried out satisfactorily. The only conclusion that the Tribunal can come to is that the works have not been completed. The tribunal therefore refuse to issue a certificate of completion of works in terms of s. 60 of the Housing (Scotland) Act 2006. When the landlord produces a valid EICR certificate, the Tribunal will be able to consider (of new) whether the RSEO has been complied with.

8. 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.

9. 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 Doyle

Signed
Legal Member

21 August 2017