

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Determination: Statement relative to Certificate of Completion of work issued under Section 60 of the Housing (Scotland) Act 2006 (the 2006 Act).

**House at 45 Killermont Road, Bearsden, East Dunbartonshire, G61 2JB
Registered in Land Register of Scotland under Title number DMB17733**

Case Reference FTS/HPC/RP18/1536

Ms Caroline Lever, 45 Killermont Road, Bearsden, East Dunbartonshire, G61 2JB (“the Tenant”)

Mr Abdul Rehman, 3 Windsor Street, Glasgow, G20 7NA (“the Landlord”)

45 Killermont Road, Bearsden, East Dunbartonshire, G61 2JB registered under Title Number DMB17733 (“the Property”).

Tribunal Members: Martin McAllister (Legal Member) and Kingsley Bruce, Chartered Surveyor, (Ordinary Member).

Background:

1. On 8th October 2018 the Tribunal made a repairing standard enforcement order (RSEO) in respect of the House.
2. The tenancy of the House was lawfully terminated prior to the granting of the RSEO.
3. The RSEO was in the following terms:

The Landlord is to

- (1) Instruct a suitably qualified central heating engineer to provide a report confirming that the hot water system is functioning. (Sections 13 (1) (c) of the 2006 Act).**
- (2) Repair and make good the hole in the bathroom floor. (Section 13 (1) (b) of the 2006 Act).**
- (3) Replace the broken glazing in the porch extension. (Section 13 (1) (b) of the 2006 Act).**
- (4) Repair and replace where necessary the bathroom tiles. (Section 13 (1) (b) of the 2006 Act).**
- (5) Repair and replace defective plasterwork in the front vestibule. (Section 13 (1) (b) of the 2006 Act).**
- (6) Repair the attic hatch. (Section 13 (1) (b) of the 2006 Act).**
- (7) Instruct an appropriately qualified specialist to investigate and repair, where necessary, the dampness in the rear bedroom and provide the Tribunal with a copy of the specialist's report (Section 13 (1) (a) of the 2006 Act).**
- (8) Provide a current Electrical Installation Condition Report for the Property including PAT testing for any portable appliances supplied by the Landlord. The Report requires to be prepared by a suitably approved electrician who is either employed by a firm that is a member of an accredited registered scheme operated by a recognised body or a self-employed member of an accredited registration scheme operated by a recognised body, or is able to complete, sign and submit to the Tribunal the checklist at Annex A of the Scottish Government Statutory Guidance on Electrical Installations and Appliances in Private Rented Property together with copies of documentary evidence in support of the checklist. (Section 13 (1) (c) of the 2006 Act).**

The Landlord requires to comply with the repairing standard order within four months of service of it on him and to make good any damage caused by works done to comply with the repairing standard enforcement order.

4. The repairing standard enforcement order was varied to allow more time for the Landlord to complete the works. This variation was in terms of Section 25 of the Housing (Scotland) Act 2006.
5. On 17TH May 2019, the ordinary member of the tribunal inspected the House and a copy of his report with relevant photographs is attached.

6. Following upon the inspection on 15^h May 2019, the tribunal issued a determination on 17th July 2019 which detailed the outstanding works which required to be completed by 20th September 2019 to ensure compliance with the RSEO and a variation was issued at the same time in terms of Section 25 of the 2006 Act.

7. The outstanding works were as follows:
 - a) Instruct a suitably qualified heating engineer to provide a report that the hot water system is functioning.
 - b) Instruct an appropriately qualified specialist to investigate and repair, where necessary, the dampness in the rear bedroom and provide the Tribunal with a copy of the specialist's report.
 - c) Provide a current Electrical Installation Condition Report for the Property including PAT testing for any portable appliances supplied by the Landlord.

8. On 27th October 2020, the Landlord submitted reports to the Tribunal:
 - 8.1 An Electrical Installation Condition Report dated 23rd October 2020.
 - 8.2 A report from Alliance, a dampness specialist, dated 22nd October 2020.
 - 8.3 A Legionella Risk Assessment Report dated 27th October.

9. The tribunal considered that the Electrical Installation Condition Report and report from the dampness specialist were satisfactory in their terms.

10. The tribunal considered the requirement to produce a report from a suitably qualified heating engineer that the hot water system is functioning. It had no such report before it. The Legionella Risk Assessment Report which was prepared by a Gas Safe qualified engineer stated that the hot water was tested and heated to a minimum of 60 degrees. Whilst not the report envisaged by the tribunal when it made the RSEO, it considered that this was satisfactory.

11. The tribunal considered matters and determined that, based on the previous findings of the ordinary member from his inspection on 17th May 2019 and the terms of the reports referred to herein, the RSEO should be discharged.

12. The tribunal considered matters and determined that it was satisfied that the work had been completed and that it was appropriate to issue the Certificate of Completion in terms of Section 60 of the 2006 Act.

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.

M McAllister

Martin J. McAllister, Solicitor,
Legal Member of the First-tier Tribunal for Scotland
15th November 2020