

Housing and Property Chamber First-tier Tribunal for Scotland



CERTIFICATE OF COMPLETION IN RESPECT OF REPAIRING STANDARD ENFORCEMENT ORDER

Chamber Reference number: FTC/HPC/RP/19/0674

Parties:

Mrs. Norma Graham Vieira residing at 88, Tamworth Lane, Mitcham, Surrey, CR4 1DA ("the Landlord")

Property: 34, Alloway Grove, Kirkintilloch, G66 2RE being the subjects registered in the Land Register for Scotland under Title Number DMB54826 ("the Property")

Tribunal Members

Karen Moore (Chairperson)

Andrew Taylor (Ordinary Member)

Certificate of Completion

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order dated 15 May 2019 and varied on 5 July 2019 in respect of the Property has been completed. Accordingly, the said Repairing Standard Enforcement Order has been discharged.

In Witness Whereof these presents are subscribed by Karen Moore, Chairperson of the tribunal, at Glasgow on 23 October 2019 before this witness, Norman William Moore, solicitor, 11, Muirfield Business Centre, South Muirhead Road, Cumbernauld, G67 1AX

N Moore *Witness*

K Moore

Housing and Property Chamber First-tier Tribunal for Scotland



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

STATEMENT OF DECISION: in terms of Section 26(1) of the Housing (Scotland) Act 2006 ("the Act") in respect of an application made under Section 22(1A) of the Act

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Parties:

Mrs. Norma Graham Vieira residing at 88, Tamworth Lane, Mitcham, Surrey, CR4 1DA ("the Landlord"),

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Tribunal Members

Karen Moore (Chairperson)

Andrew Taylor (Ordinary Member)

This decision should be read in conjunction with:

Statement of Decision and Repairing Standard Enforcement Order ("the RSEO") dated 15 May 2019 and variation thereof dated 5 July 2019.

Decision

Having been satisfied that the works required by the RSEO had now been carried out, the Tribunal, in terms of Section 26(1) of the Act, held the view that the landlord has complied with the RSEO.

Background

1. By application received on 4 March 2019 ("the Application"), Mr. Raymond Heath of East Dunbartonshire CAB having a place of business at 11, Alexandra Street, Kirkintilloch G66 1HB on behalf of the then tenant, Ms. Annette McGhee residing at 34, Alloway Grove, Kirkintilloch, G66 2RE, applied to the First-tier Tribunal for Scotland (Housing & Property Chamber) for a determination that the Landlord had failed to comply with the duty imposed on her by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a), 13 (1) (b) 13(1) (c), 13(1) (d), 13(1) (f) and 13(1) (g) of the Act. A Convener of the Chamber, with delegated powers under Section 96 of the Housing (Scotland) Act 2014 and Section 21 (8A) of the Act, having considered the application in terms of Section 23(3) of the Act referred the Application to a tribunal, and, in terms of Schedule 2, Paragraph 1 of the Act an Inspection and Hearing were fixed for 7 May 2019 at 10.00 a.m. and

11.30 a.m., respectively, following which the Tribunal imposed the RSEO dated 15 May 2019.

2. By letter dated 24 June 2019, the Landlord requested that the RSEO be varied to allow further time to complete the works required by the RSEO detailing the works completed to date and explaining why further time is required to complete the remaining works. Having regard to the Landlord's request, the Tribunal took the view that was reasonable to vary the RSEO to allow further time to complete the works and so, in accordance with Section 25 of the Act varied the RSEO.

Re-Inspection

3. The Ordinary Member of the Tribunal re-inspected the Property on 14 October 2019 and found that all of the works required by the RSEO had been completed satisfactorily.

Decision of the Tribunal

4. Having been satisfied that the works required by the RSEO had now been carried out, the Tribunal, in terms of Section 26(1) of the Act, held the view that the landlord has complied with the RSEO.

5. The decision of the Tribunal is unanimous.

Appeal

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.

Effect of Section 63 of the 2006 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

K Moore

Karen Moore
Chairperson
23 October 2019