

# 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: PRHP/RP/15/0163**

**Title no: STG37978**

**27D Keir Avenue, Stirling FK8 1QL  
("the Property")**

**The Parties:-**

**Mr Charles Bartle, residing at 27D Keir Avenue, Stirling FK8 1QL  
("the Tenant")**

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

**The Tribunal**

**Richard Mill (Legal Member)  
Susan Napier (Ordinary Member)**

**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 made on 11 September 2015 has been completed satisfactorily. Accordingly, the said Repairing Standard Enforcement Order relative to the Property is herewith discharged. Reference is made to the corresponding statement of decision providing the Tribunal's reasons.

**Right of Appeal**

1. 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.
2. 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 Tribunal 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(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the tribunal at Edinburgh on 29 March 2018 before this witness:-

R Mill

\_\_\_\_\_ Legal Member  
M J Murray

\_\_\_\_\_ Witness

MARGARET JOHNSTONE MURRAY Name

69-71 DALRY ROAD Address

EDINBURGH

EH11 2AA

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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

**STATEMENT OF DECISION OF THE HOUSING AND PROPERTY  
CHAMBER OF THE FIRST-TIER TRIBUNAL FOR SCOTLAND UNDER  
SECTION 60(5) OF THE HOUSING (SCOTLAND) ACT 2006**

**Chamber Ref: PRHP/RP/15/0163**

**Title no: STG37978**

**27D Keir Avenue, Stirling FK8 1QL  
("the Property")**

**The Parties:-**

**MR CHARLES BARTLE, residing at 27D Keir Avenue, Stirling FK8 1QL  
("the Tenant")**

**MR ATHAR ALMASS FIRDOUS, 32 Alpin Drive, Dunblane FK15 0FQ  
("the Landlord")**

**The Tribunal**

**Richard Mill (Legal Member)  
Susan Napier (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property made on 13 November 2015 and that a Certificate of Completion should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

**Background**

1. Following an inspection of the Property on 2 September 2015, the former Private Rented Housing Panel, now constituted as the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") issued a Repairing Standard Enforcement Order dated 4 December 2015 in respect of the Property in the following terms:-

- “1. Produce an up-to-date Gas Safety Certificate in respect of all gas appliances within the Property.
2. Produce a Report on the current condition and operation of the boiler within the Property from a Corgi Registered Gas Engineer.
3. Produce an Electrical Installation Condition Report (EICR). The Report requires to be prepared following all works specified within this Order being completed.
4. Install smoke alarms within the Property to the standard currently recommended by the Scottish Government. There should be at least one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes, one functioning smoke alarm in every circulation space, such as hallways and landings, one heat alarm in every kitchen and all alarms should be interlinked.
5. Replace the existing carbon monoxide detector situated within the living room of the Property.
6. Replace the three damaged glazing units in the main bedroom to the front of the Property and the broken glazed unit in the living room to the Property.
7. Repair the windows in the living room to ensure that they are in good working order, windproof and are capable of being open, shut and locked.
8. Fit a new door to the bedroom to the front of the Property.
9. Fit new wardrobe doors in the main bedroom to the front of the Property.
10. Replace the missing gas central heating radiator in the main bedroom to the front of the Property.
11. Repair and/or replace the light fitting to the main ceiling light in the main front bedroom to the Property.
12. Repair the door to the back second bedroom to the Property so as to ensure that it closes.
13. Repair and/or replace the broken/missing glazing to the front door of the Property.
14. Provide the Tenant with two set of keys to the door of the Property and, if necessary, to replace the lock.

15. Replace the five defective ceramic tiles on the bathroom floor.
16. Instruct an appropriate qualified plumber to repair the leak to the water inlet pipe to the WC in the bathroom.
17. Instruct a suitably qualified plumber to repair the damaged hot bath tap in the bathroom.
18. Instruct a suitably qualified tradesman to replace the electric shower in the bathroom of the Property, including all fittings.

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 6 weeks from the date of service of this Notice."

2. A re-inspection of the Property was conducted by the Ordinary Member on 13 November 2015. It was found that none of the items of work required in terms of the Repairing Standard Enforcement Order had been undertaken by or on behalf of the Landlord. In the circumstances the Tribunal found that the Landlord had failed to comply with the Repairing Standard Enforcement Order. This failure was notified to the Local Authority. A Rent Relief Order reducing the rent payable under the tenancy to the extent of 75% was made.
3. An email was received by the Landlord dated 19 January 2018 advising that work was to commence in respect of the requirements of the Repairing Standard Enforcement Order and that the work be completed 1 February 2018.
4. The Landlord subsequently produced an up-to-date Gas Safety Certificate dated 15 February 2018 and an Electrical Installation Condition Report (EICR) dated 19 February 2018 in respect of the Property.
5. A further re-inspection of the Property was undertaken by the Ordinary Member of the Tribunal on 7 March 2018. It was found at that time that the Property was now vacant. The re-inspection report arising therefrom was subsequently intimated to parties. The re-inspection report found that the Tribunal was satisfied that all relevant works had been undertaken as required by the Repairing Standard Enforcement Order.
6. The Tenant has vacated the Property. The Landlord replied by way of Notice signed and dated on 13 March 2018 advising that he agreed with the terms of the re-inspection report. He did not request an oral hearing.
7. The Tribunal accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order made on 11 September 2015 and that a Certificate of Completion should in

these circumstances be issued. The Rent Relief Order previously made is also revoked.

### Right of Appeal

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard George Mill, solicitor, 69-71 Dalry Road, Edinburgh EH11 2AA, legal member of the Tribunal at Edinburgh on 29 March 2018 before this witness:-

R Mill

\_\_\_\_\_  
M J Murray

\_\_\_\_\_  
Legal Member

\_\_\_\_\_  
Witness

MARGARET JONASTINE MURRAY Name

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