

Housing and Property Chamber

First-tier Tribunal for Scotland



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

CERTIFICATE OF COMPLETION under section 60 of the Housing (Scotland) Act 2006

Chamber Ref: PRHP/RP/16/0040

Subjects at 96 Ashgrove Road West, Aberdeen, AB16 5BD being those subjects registered under Title Number ABN71377

The Parties:-

Hassan Ghanduri, formerly residing at 96 Ashgrove Road West, Aberdeen, AB16 5BD (“the former Tenant”)

and

Mr Samuel Ahamefule, Staff House, Woodend Hospital, Eday Road, Aberdeen (“the Landlord”)

The Tribunal:-

**Mrs Ruth O’Hare (Legal Member)
Mr Colin Hepburn (Ordinary Member)**

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 house dated 20 June 2016 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.

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 are executed by Ruth O'Hare, Legal Member of the Tribunal at Aberdeen on 14 June 2019 before this witness:-

E Johnston

R O'Hare

Witness

ELIZABETH JOHNSTON



Legal Member

Housing and Property Chamber

First-tier Tribunal for Scotland



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

**Statement of Decision under section 60(4) of the Housing (Scotland) Act 2006
("the 2006 Act")**

Chamber Ref: PRHP/RP/16/0040

Subjects at 96 Ashgrove Road West, Aberdeen, AB16 5BD

The Parties:-

**Hassan Ghanduri, formerly residing at 96 Ashgrove Road West, Aberdeen,
AB16 5BD ("the former Tenant")**

and

**Mr Samuel Ahamfule, Staff House, Woodend Hospital, Eday Road, Aberdeen
("the Landlord")**

The Tribunal:-

**Mrs Ruth O'Hare (Legal Member)
Mr Colin Hepburn (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') unanimously determined that the works required by the Repairing Standard Enforcement Order ("RSEO") had been completed and resolved to issue a Certificate of Completion of Work.

Background

1. Reference is made to the decision of the Private Rented Housing Committee ("the Committee") dated 20 June 2016 which determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act in that he had failed to ensure that the Property met the Repairing Standard. On the same date the Committee issued an RSEO in respect of the property. The works required by the RSEO were:-
 - a. Instruct a professional window installer to carry out a full inspection of all windows in the property and carry out any works identified to ensure the property is wind, watertight and in a reasonable state of repair;

- b. Repair or replace the toilet seats in both the downstairs washroom and the upstairs bathroom;
- c. Repair or replace the shower screen in the upstairs bathroom to prevent water spillage and carry out works to reinstate the bathroom flooring and kitchen ceiling as required;
- d. Replace the surround for the sink in the upstairs bathroom so that it is secure and fit for purpose;
- e. Instruct a gas safety certificate from a GasSafe registered contractor and carry out any works identified to ensure the installations within the property for the supply of gas are in a reasonable state of repair and in proper working order;
- f. Instruct an inspection report from a qualified electrician and carry out such works identified in the report to ensure the installations within the property for the supply of electricity are in a reasonable state of repair and in proper working order;
- g. Carry out repair to the oven and cooker hob to ensure both are in proper working order;
- h. Carry out works to the summerhouse to repair the roof;
- i. Repair the gate in the front garden to ensure it closes properly;
- j. Carry out the necessary works to resecure the loose and damaged section of the concrete copings pertaining to the walls in the back and front garden;
- k. Repair the door bell;
- l. Repair or replace the side door to the garage to ensure it is fully functional;
- m. Repair the corroded hand rails in the front garden; and
- n. Carry out all works required to make good decoration in the property following the above works.

The RSEO gave the Landlord three months to carry out the works.

- 2. Following its decision of 20th June 2016 the Tribunal was made aware that the Tenant had vacated the property.
- 3. On 1st December 2016, jurisdiction in respect of the application passed to the Tribunal.
- 4. Following a re-inspection the Tribunal determined that the Landlord has failed to comply with the RSEO. Reference is made to the decision of the Tribunal dated 18th January 2017 in this regard.

5. The Landlord subsequently contacted the Tribunal on a number of occasions to advise that he believed the works had been completed. Further re-inspections were carried out however it was noted that works were still outstanding. The Tribunal therefore refused to issue a completion certificate. Reference is made to the decisions of the Tribunal dated 26th June 2018 and 22 November 2018 in this regard.
6. On 24th April 2019 the Ordinary Member carried out a further re-inspection of the property. Mr Mike Spence gave access on behalf of the Landlord. It was noted that only minor redecorative works were outstanding namely reinstatement of holes to the plaster board ceiling in the kitchen. The re-inspection report is attached herewith. The Landlord was issued a copy of the re-inspection report and confirmed that he was in agreement with its findings.

Reasons for the decision

1. The Tribunal determined the application having regard to the findings of the re-inspection and the representations from the Landlord. The Tribunal considered it had sufficient information upon which to make a decision.
2. The Tribunal was satisfied on the basis of the re-inspection that the works required by the RSEO had all been completed. Whilst there was still some redecoration required to the plaster board ceiling in the kitchen, the Tribunal felt this work was of a minor nature and did not prevent the issue of a completion certificate having regard to the nature and the extent of the works that had been carried out. Accordingly the Tribunal determined that a certificate of completion should be issued.
3. The decision of the Tribunal was unanimous.

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R O'Hare

Signed

Ruth O'Hare
Chairperson

14 June 2019