

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Certificate of Completion of Work issued by the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 60 of the Housing (Scotland) Act 2006**

**Parties :** Mr. James Wilson residing at 132, Swinton Road, Baillieston, Glasgow, G69 6OW ("the Landlord")

**Property:** 21 Rosebank Drive, Uddingston, G71 5DY registered in the Land Register for Scotland under Title Number LAN15751 ("the Property")

**Chamber reference:** FTS/HPC/RP/17/0228

### **Tribunal Members**

Karen Moore (Legal Member and Chairperson)

Lorraine Charles (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 (RSEO) in respect of the Property dated 27 December 2017 and varied on 13 May 2018 has now been completed fully and so the Tribunal discharges the said RSEO.

### **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. 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 are signed by Karen Moore, solicitor, Glasgow, chairperson of the Tribunal, at Glasgow on 12 October 2018 before this witness, Norman William Moore, solicitor, 1A South Muirhead Road, Cumbernauld G67 1AX

W Moore

K Moore

*Witness*

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**STATEMENT OF DECISION:** in respect of an application Section 22(1) of the Housing (Scotland) Act 2006 ("the Act").

**Parties :** Mr. James Wilson residing at 132, Swinton Road, Baillieston, Glasgow, G69 6OW ("the Landlord")

**Property:** 21 Rosebank Drive, Uddingston, G71 5DY registered in the Land Register for Scotland under Title Number LAN15751 ("the Property")

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### **Tribunal Members**

Karen Moore (Legal Member and Chairperson)

Lorraine Charles (Ordinary Member)

This Decision should be read in conjunction with Statement of Decision and Repairing Standard Enforcement Order both dated 29 December 2017 and Statement of Decision and variation of Repairing Standard Enforcement Order both dated 13 May 2018 in relation to the Property.

### **Background**

1. By application form received by the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Chamber") on 15 June 2017 and subsequent correspondence ("the Application"), the Tenant applied to the Chamber for a determination that the Landlord had failed to comply with the duty imposed on him by Section 14(1)(b) of the Housing (Scotland) Act 2006 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)(f) and 13(1)(g) of the Act.
2. Following an Inspection and Hearing on 30 November 2017, the Tribunal found that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and made a Repairing Standard Enforcement Order ("RSEO") in terms of Section 24(1) of the Act as follows:-

*"The Landlord must on or before **15 February 2018**:-*

1. *Repair or renew the broken living room window to ensure that the window is fully functioning and complies with current regulations;*
2. *Repair or replace the showerhead to ensure a watertight seal;*
3. *Replace the sealant at the bath and the bathroom window to eradicate mould;*

4. *Repair or replace the toilet bowl to ensure that there is no water leakage and, thereafter, repair or replace the wooden panel underneath the bathroom wash hand basin and at the base of the toilet bowl,*
5. *Provide and install sufficient hard wired and interlinked smoke, heat and fire detectors to comply with current regulations as defined in the current statutory guidance detailed in Domestic Technical Handbook prepared by the Scottish Government and available on the Scottish Government's website at: <https://beta.gov.scot/publications/building-standards-technical-handbook-2017-domestic/>*
6. *Provide and install sufficient carbon monoxide detectors to comply with current Scottish Government guidance and available on the Scottish Government's website at <https://beta.gov.scot/publications/carbon-monoxide-alarms-in-private-rented-properties-guidance/> and*
7. *Make good any décor damaged as a result of these works."*

#### **Re-Inspection of the Property**

3. The Ordinary Member of the Tribunal re-inspected the Property on 20 March 2018 at which re-inspection the Landlord was present. The Landlord advised the Ordinary Member that the Tenant and her family had vacated the Property on 27 February 2018. It was evident to the Ordinary Member that the Property was unoccupied and that the RSEO had not been complied with. It was also evident that Landlord was in the process of carrying out extensive refurbishment works to the Property. Accordingly, the Tribunal varied the RSEO to allow further time for the Landlord to comply.
4. The Ordinary Member of the Tribunal re-inspected the Property again on 30 August 2018 at which re-inspection the Landlord was present and found that the works required by the RSEO had been completed.

#### **Decision of the tribunal and reasons.**

5. The Tribunal, being satisfied that the works required by the RSEO had been completed, determined to issue a Certificate of Completion.
6. The decision of the Tribunal is unanimous.

#### **Appeal of tribunal's decision**

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  
K Moore

Karen Moore  
Chairperson  
12 October 2018