

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: FTS/HPC/RP/17/0313

Title no: DMB6027

**80 Glenacre Road, Cumbernauld, G67 2PE
("the House")**

The Parties:-

**Ms Donna Reid, residing at the property
("the former Tenant") (represented by Mr Iain Hunter of Shelter Scotland, 116
Osborne Street, Glasgow, G1 5QH)**

**Mr Colin Lang, 38g Townhead, Kirkintilloch, Glasgow, G66 1NL
("the Landlord")**

The 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 served on 27 October 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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 type written on this and the preceding page are executed by Patricia Anne Pryce, solicitor, 20 York Street, Glasgow, chairperson of the tribunal at Glasgow on 29 October 2018 before this witness:-

N Pryce

____ witness

NICHOLAS PRYCE name in full

55 BLYTHSWOOD ST
GLASGOW Address

P Pryce

Chair and Legal Member

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)

Chamber Ref: FTS/HPC/RP/17/0313

**80 Glenacre Road, Cumbernauld, G67 2PE
("the Property")**

The Parties:-

**Ms Donna Reid, formerly residing at the property
("the former Tenant")**

**Mr Colin Lang, 38g Townhead, Kirkintilloch, Glasgow, G66 1NL
("the Landlord")**

The Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order dated 23 October 2018 in respect of the property, and taking account of the written information provided by the Landlord, determined that the Landlord has complied with the terms of the said Repairing Standard Enforcement Order and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

The tribunal consisted of:-

Patricia Anne Pryce	- Chair and Legal Member
Lori Charles	- Ordinary Member (Surveyor)

Background

1. On 23 October 2017, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date, the Tribunal issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.

2. The RSEO made by the tribunal required the Landlord:

- (a) To replace the front door to ensure that it is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) To replace the blind in the main bedroom with another blind which does not interfere with the operation of the windows so that it is in a reasonable state of repair and in proper working order.
- (c) To install a heating system within the house which is adequate for the size of the house to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
- (d) To repair the locking mechanisms in the windows located in the kitchen utility room, the main bedroom and the bathroom to ensure that the windows are in a reasonable state of repair and in proper working order.
- (e) To repair or replace the window located in the kitchen utility room to ensure that it is in a reasonable state of repair and in proper working order.
- (f) To repair or replace the hot water system to ensure that it is in a reasonable state of repair and in proper working order and to produce to the Tribunal a report from a SELECT or NICEIC registered electrician confirming that this has been carried out and that the hot water system produces a sufficient and adequate hot water supply to the kitchen sink and to the bath.
- (g) To replace the floor coverings located in the kitchen and the hallway to ensure that they are capable of being used safely for the purpose for which they were designed.

3. The Tribunal ordered that the works specified in the RSEO were to be carried out within 8 weeks of the date of service of the Notice, that is, 27 December 2017.

4. After further sundry procedure which included the issue by the tribunal of a Rent Relief Order, a Failure to Comply decision and a Refusal to Grant a Certificate of Completion, a further inspection of the property being carried out by the Ordinary Member (Surveyor) of the tribunal on 10 October 2018. The Ordinary Member prepared a report of the inspection which is attached to this decision. The tribunal considered correspondence received from the Landlord. The Tenant had previously vacated the property.

5. Given all of the circumstances, the tribunal found that all of the works in the RSEO had taken place.

6. Accordingly, the tribunal resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Tribunal was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

In terms of section 46 of the Tribunals (Scotland) Act 2014, 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.

P Pryce

Chair and Legal Member

29 October 2018

Date

Housing and Property Chamber

First-tier Tribunal for Scotland



Date of Inspection – 10 October 2018 at 2pm

Property Reference – FTS/HPC/RP/17/0313

Property Address – 80 Glenacre Road, Cumbernauld, G67 2PE

Surveyor – Lori Charles

Previous Inspections – 17th October 2017, 12th January 2018 and 27 July 2018

Access – Mr Lang landlord

Weather – Dry/bright

In attendance – Mr Lang

Repairing Standard Enforcement Order (RSEO) dated 17th October 2017

Works in the Repairing Standard Enforcement Order (RSEO) - In particular the tribunal requires the Landlord:-

- (a) To replace the front door to ensure that it is wind and watertight and in all other respects reasonably fit for human habitation.
- (b) To replace the blind in the main bedroom with another blind which does not interfere with the operation of the windows so that it is in a reasonable state of repair and in proper working order.
- (c) To install a heating system within the house which is adequate for the size of the house to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.
- (d) To repair the locking mechanisms in the windows located in the kitchen utility room, the main bedroom and the bathroom to ensure that the windows are in a reasonable state of repair and in proper working order.
- (e) To repair or replace the window located in the kitchen utility room to ensure that it is in a reasonable state of repair and in proper working order.
- (f) To repair or replace the hot water system to ensure that it is in a reasonable state of repair and in proper working order and to produce to the Tribunal a report from a SELECT or NICEIC registered electrician confirming that this has been carried out and that the hot water system produces a sufficient and adequate hot water supply to the kitchen sink and to the bath.
- (g) To replace the floor coverings located in the kitchen and the hallway to ensure that they are capable of being used safely for the purpose for which they were designed.

(a) To replace the front door to ensure that it is wind and watertight and in all other respects reasonably fit for human habitation.



New Upvc exteral door has been fitted

(b) To replace the blind in the main bedroom with another blind which does not interfere with the operation of the windows so that it is in a reasonable state of repair and in proper working order.



New roller blind has been fitted allowing window to open and close without obstruction

(c) To install a heating system within the house which is adequate for the size of the house to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation.



Additional electric wall mounted heaters have been fitted to lounge, hall and utility room

(d) To repair the locking mechanisms in the windows located in the kitchen utility room, the main bedroom and the bathroom to ensure that the windows are in a reasonable state of repair and in proper working order.

(e) To repair or replace the window located in the kitchen utility room to ensure that it is in a reasonable state of repair and in proper working order.



Windows tested and now open, close and lock

(f) To repair or replace the hot water system to ensure that it is in a reasonable state of repair and in proper working order and to produce to the Tribunal a report from a SELECT or NICEIC registered electrician confirming that this has been carried out and that the hot water system produces a sufficient and adequate hot water supply to the kitchen sink and to the bath.



New immersion heater has been fitted to water cylinder. Water immersion heater was switched on for approximately 30 mins before inspection water temperature was warm, Water pressure in kitchen remains poor

No report has been received from a SELECT or NICEIC registered electrician

(h) To replace the floor coverings located in the kitchen and the hallway to ensure that they are capable of being used safely for the purpose for which they were designed.



New flooring fitted to kitchen and hallway

Comments: This report will be submitted to the First Tier Tribunal for Scotland (Housing Property Chamber) for their decision.

Lori Charles

Lori Charles BSc Hons MRICS

Ordinary Member

Schedule of photographs taken during the re-inspection of 80 Glenacre Rd Cumbernauld G67 2PE by the Ordinary Member of the First Tier Tribunal for Scotland (Housing and Property Chamber) on the 10th October 2018.

Reference Number FTS-HPC-RP-17-0313