

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/17/0330

Title no: MID90943 in the Land Register of Scotland

Re: Property at 5 Appin Place, Edinburgh EH14 1PW

("The House")

The Parties:-

Majda Al-Kharusi, formerly of 5 Appin Place, Edinburgh EH14 1PW

("the Former Tenant")

Mark Gordon Meldrum, 12 Home Street, Edinburgh EH3 9LY

("the Landlord")

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 served on 15 December 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the House 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 type written on this and the preceding page are executed by Rory A B Cowan, solicitor, 16 Royal Exchange Square, Glasgow G1 3AG, chairperson of the tribunal at Glasgow on 21 January 2019 before this witness:-

K Donnelly

R A B Cowan

____witness

____chairperson

KIRSTIE DONNELLY name in full

C/O 16 ROYAL EXCHANGE address

SQUARE

GLASGOW

G1 3AG

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 25(1) & 60

Chamber Ref: FTS/HPC/RP/17/0330

Title no: MID90943 in the Land Register of Scotland

Re: Property at 5 Appin Place, Edinburgh EH14 1PW

("The House")

The Parties:-

Majda Al-Kharusi, formerly of 5 Appin Place, Edinburgh EH14 1PW

("the Former Tenant")

Mark Gordon Meldrum, 12 Home Street, Edinburgh EH3 9LY

("the Landlord")

Tribunal Members

Rory A B Cowan, Chairperson

Nick Allen, Ordinary (Surveyor) Member

Decision

The First-tier Tribunal for Scotland: Housing and Property Chamber (the tribunal), having carried out a further inspection of the House, determined that the work required by the RSEO had been completed and resolved to issue a Certificate of Completion.

The decision of the tribunal was unanimous.

Background

The RSEO required the Landlord to complete the following work within 2 months of the service of the RSEO:

- 1) To instruct an Electrical Installation Condition Report on the Property by an appropriately qualified electrician being a member of NICEIC, SELECT or NAPIT. To carry out all works identified as either category C1 or C2 in the said Electrical Installation Condition Report in order to ensure that the Property's electrical installations are in a reasonable state of repair and in proper working order. The Electrical Installation Condition Report and all invoices for work carried out to be sent to the office of the First-tier Tribunal: Housing and Property Chamber.
- 2) To repair or replace the affected area of the ceiling in the master bedroom of the Property to ensure that the said ceiling is in a reasonable state of repair and in proper working order.
- 3) To repair the opening to the outlet to the run-off drainage from the upstairs apartment's balcony and in particular to seal the said opening on the exterior wall of the Property to ensure that the Property is wind and water tight and in all other respects reasonably fit for human habitation.

Reasons for the Decision

On 4 May 2018, the Ordinary/Surveyor Member of the tribunal carried out a re-inspection of the House.

At re-inspection it was noted that all work other than item 1) above had been completed satisfactorily.

Following reinspection, the Landlord, via his representatives, forwarded a copy of an Electrical Installation Certificate (EICR) to the Tribunal. The EICR sent was dated 28 November 2016. As such it predated the RSEO. Further, the EICR appeared to be issued by a Bakerfield Testing Services who did not appear to be members of NICEIC, SELECT or NAPIT as required by the RSEO. Standing the fact that the Landlord had carried out the other work as directed by the RSEO, the Tribunal wrote to the Landlord advising of the above and requesting that an EICR that post-dated the RSEO, and prepared by a member of NICEIC, SELECT or NAPIT be provided within 7 days of that letter. No response was received and no further EICR, as required by the RSEO, was produced at that time by the Landlord.

Subsequently, the Tribunal was contacted by new agents acting on behalf of the Landlord and were provided with an EICR dated 4 January 2019 prepared by a contractor registered with NICEIC. The said EICR revealed no items were in the category C1 or C2.

The Landlord has therefore completed all the works required by the RSEO.

Right of 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.

R A B Cowan

Signed: ...

Rory A B Cowan

Date:

21 January 2019

Chairperson