

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/17/0425

Title no: LAN157214

24A Shirrel Avenue, Bellshill, ML4 1JR
("the House")

The Parties:-

Miss Karima Lalji, residing at the property
("the Tenant")

Mrs May Elizabeth Bowles and Mr John Simon Bowles, per Prospect Properties,
32 McLean Drive, Bellshill, ML4 2ST; 37 Hamilton Road, Bellshill, North
Lanarkshire, ML4 1AG
("the Landlords")

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 9 February 2018 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

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/17/0425

24A Shirrel Avenue, Bellshill, ML4 1JR
("the Property")

The Parties:-

Miss Karima Lalji, residing at the property
("the Tenant")

Mrs May Elizabeth Bowles and Mr John Simon Bowles, per Prospect Properties,
32 McLean Drive, Bellshill, ML4 2ST; 37 Hamilton Road, Bellshill, North
Lanarkshire, ML4 1AG
("the Landlords")

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 Landlords had complied with the Repairing Standard Enforcement Order dated 31 January 2018 in respect of the property, and taking account of the written information provided by the Landlords determined that the Landlords have 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**

Mike Links - **Ordinary Member (Surveyor)**

Background

1. On 31 January 2018, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") issued a determination which stated that the Landlords 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 Landlords:

- (a) To repair or replace the defective electric socket located in the living room so that it is in a reasonable state of repair and in proper working order.
- (b) To produce an Electrical Installation Condition Report from a SELECT or NICEIC registered electrician and to undertake any work which is identified in said report to be of Category C1 or C2.
- (c) To install hard-wired and interlinked smoke detectors within the entrance hallway, the living room and the upper landing along with an interlinked heat detection device within the kitchen compliant with current regulations.
- (d) To repair or replace the defective skirting board located in the living room so that it is in a reasonable state of repair and in proper working order.
- (e) To repair or replace the coving located in both bedrooms to ensure that it is in a reasonable state of repair and in proper working order.
- (f) To repair or replace the defective and loose plasterwork located in the ceiling of the entrance hallway to ensure that it is in a reasonable state of repair and in proper working order.
- (g) To repair or replace the defective tile panels in the kitchen to ensure that they are in a reasonable state of repair and in proper working order.

3. The Tribunal ordered that the works specified in the RSEO were to be carried out within 21 days of the date of service of the Notice, that is, 2 March 2018.

4. After further sundry procedure, a further inspection of the property was carried out by the Ordinary Member (Surveyor) of the tribunal. His re-inspection report dated 4 April 2018 is attached to this decision. All matters which had been outstanding in terms of the RSEO had been completed.

5. Given all of the circumstances, the tribunal found that all of the works in the RSEO, as varied, 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 April 2018

Date