

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(5)(b)('the Act')

Chamber Ref: FTS/HPC/RP/17/0435

Property at G/00, 12 Bank Street, Glasgow G12 8JQ

Land Register Title Number GLA 96888

('the Property')

The Parties:

Messrs Elliott Burke, Calum Gordon and Jason Mill, the former Tenants of G/00, 12 Bank Street, Glasgow G12 8JQ

('the Tenants')

Mr Jonathan Weir of Resinvest Limited, a company incorporated under the Companies Acts (registered company number SC456258) and having their Registered Office at 163 Bath Street, Glasgow G2 4SQ

('the Landlord')

Represented by Mr Ross Armstrong and Mr Craig Armstrong of Absolute Residential Ltd, Suite 173, 103 Byres Road, Glasgow G11 5HW

('the Landlord's Representatives')

The First-tier Tribunal for Scotland (Housing and Property Chamber) hereby certifies that the work required by the Repairing Standard Enforcement Order ('RSEO') relative to the Property dated 10th April 2018 has been completed. Accordingly, the said RSEO is now 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 thirty 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 on this page and the preceding page, are executed by Joseph Christopher Hughes, Solicitor Advocate, Legal Member and Chair of the Housing and Property Chamber of the First-tier Tribunal for Scotland at Glasgow on 17th December 2018 before Ian Mark McClelland, Solicitor, care of J C Hughes Solicitors, 1028 Tollcross Road, Glasgow.

J Hughes

Signed

.....[Joseph C Hughes]

M McClelland

Signed.....

.....[Ian Mark McClelland]

Housing and Property Chamber
First-tier Tribunal for Scotland



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

STATEMENT OF REASONS for Certificate of Completion of Work

Housing (Scotland) Act 2006 Section 24(1) ('the Act')

Chamber Ref: FTS/HPC/RP/17/0435

Property at G/00, 12 Bank Street, Glasgow G12 8JQ

Land Register Title Number GLA 96888

('the Property')

THE PARTIES

**Messrs Elliott Burke, Calum Gordon and Jason Mill, the former Tenants of G/00, 12 Bank Street,
Glasgow G12 8JQ**

('the Tenants')

**Mr Jonathan Weir of Resinvest, a company incorporated under the Companies Acts (registered
company number SC456258), having their Registered Office at 163 Bath Street, Glasgow G2 4SQ**

('the Landlord')

**Represented by Mr Ross Armstrong and Mr Craig Armstrong of Absolute Residential Ltd, Suite 173,
103 Byres Road, Glasgow G11 5HW**

('the Landlord's Representatives')

THE TRIBUNAL MEMBERS

Mr Joseph C Hughes [Legal Member/Chair]

Mr Greig Adams [Ordinary Member/ Surveyor]

DECISION:

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal'), having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ('RSEO') relative to the Property, dated 10th April 2018, and taking into account the documentation submitted to the Tribunal, determined that the Landlord has complied with the terms of the RSEO and resolved to issue a Certificate of Completion to the effect of discharging the RSEO.

The Tribunal's Decision is unanimous.

Reasons :

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein. The Tribunal issued a Variation dated 19th June 2018 extending the period allowed for completion of the work.

2. The RSEO required the Landlord to:-

(i) To instruct and obtain a specialist Report from a suitably qualified damp specialist surveyor (in addition to the previously submitted Wise Report) to confirm the nature and extent of the dampness and the condensation affecting the Property including specifically the external wall in Bedroom 1L, the Living Room in the area of high level staining, and within the Kitchen. To thereafter carry out all necessary repairs and / or renewals identified in terms of such Report in order that the property is watertight and reasonably fit for human habitation, and to redecorate all as appropriate;

(ii) To repair or replace the damaged plaster and skirting within the Living Room Store to eradicate this means of access for mice infestation, whilst appointing as necessary a Pest Specialist to eradicate all active mice infestation ; and

(iii) To repair or replace the fridge.

3. The Ordinary Member carried out a re-inspection of the Property on 28th November 2018 and prepared a Report. A copy of the re-inspection Report is annexed hereto.

4. The re-inspection visit disclosed that the works specified in the RSEO had been completed. There are no repairs or significant issues outstanding in terms of the RSEO.

5. The Tribunal resumed consideration of the Application and determined that in view of the re-inspection Report and the supporting documentation from the Landlord, it was not necessary to hold a further hearing. The Tribunal determined to issue a Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 to the effect of discharging the said RSEO.

Right of Appeal:

6. 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 seek permission to 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.

Effect of Section 63:

7. 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. Where the Appeal is abandoned or finally determined by confirming the Decision, the Decision and the Order will be treated as having effect from the day on which the Appeal is abandoned or so determined.

J Hughes

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'Joseph Christopher Hughes'

Legal Member and Chairperson

Housing and Property Chamber

Dated 17th December 2018

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Re-Inspection Report

Chamber Ref: FTS/HPC/RP/17/0435



Property: G/00, 12 Bank Street, Glasgow, G12 8JQ registered in the Land Register under title number GLA 96888 ('The Property')

The Parties:-

Mr Jonathan Weir of Resinvest Limited, a company incorporated under the Companies Acts (registered company number SC456258) and having their Registered Office at 163 Bath Street, Glasgow G2 4SQ ('the Landlord')

Represented by Mr Ross Armstrong and Mr Craig Armstrong of Absolute Residential Ltd, Suite 173, 103 Byres Road, Glasgow G11 5HW ('the Landlord's Representatives')

Messrs Elliott Burke, Calum Gordon and Jason Mill, Tenants of G/00, 12 Bank Street, Glasgow G12 8JQ ('the former Tenants')

**The Tribunal consisted of:-
Joseph Hughes, Chairing and Legal Member
Greig Adams, Ordinary Member (surveyor)**



Background: The Tribunal issued a Decision on 10 April 2018 requiring the Landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property. The RSEO was subsequently varied on 21 June 2018 extending the period permitted to complete the works to 28 September 2018. The former Tenants are no longer in occupation and the case was continued by the Tribunal given concerns of the nature of the issues noted.

Access: The re-inspection was undertaken on Wednesday 28 November 2018 at 10.00am by Mr Adams, Ordinary Member of the Tribunal. The inspection extended to a survey of the specified works detailed within the RSEO. Mr Adams was accompanied throughout the inspection by the Landlord and Landlord Representatives.

Purpose of Re-inspection: The purpose of the re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order has been completed.

Works required under the Repairing Standard Enforcement Order (RSEO): The RSEO required the Landlord:

- (i) To instruct and obtain a specialist Report from a suitably qualified damp specialist surveyor (in addition to the previously submitted Wise Report) to confirm the nature and extent of the dampness and the condensation affecting the Property including specifically the external wall in Bedroom 1L, the living room in the area of high level staining, and within the kitchen. To thereafter carry out all necessary repairs and / or renewals identified in terms of such Report in order that the property is watertight and reasonably fit for human habitation, and to redecorate all as appropriate;
- (ii) To repair or replace the damaged plaster and skirting within the Living Room Store to eradicate this means of access for mice infestation; and
- (iii) To repair or replace the fridge.

The Tribunal ordered that the works specified in the Order must be carried out and completed following the variation by 28 September 2018.

The re-inspection found:

1. Specialist damp proofing works had been completed including localised provision of internal membranes and associated plastering works, in accordance with previously provided documentation issued to the Tribunal. In addition, substantial roofing works had also been completed whilst internal refurbishment works had also been progressed including replacement of floor coverings.
2. All necessary plastering and works to skirtings were completed.



3. Repair of the fridge had been completed.

This report will be submitted to the relevant parties for their consideration and comment. Once their submissions, if any, have been received, the Tribunal will determine whether the Repairing Standard Enforcement Order has been complied with and what further action is appropriate.

G Adams

Greig Adams BSc (Hons) FRICS C. Build E FCABE LETAPAEWE
Surveyor Member
First-tier Tribunal for Scotland (Housing and Property Chamber)



Appendix A – Photographic Record



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