

# 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/18/0133**

**Sasines Description: ALL and WHOLE that property known as and forming 27A Dalmeny Street, Leith, Edinburgh, EH6 8PG which is the basement flat being part of the subjects more particularly referred to and described in the Disposition to Music for Pleasure Limited, recorded 18 July 1968 in the General Register of Sasines.**

**27A Dalmeny Street, Leith, Edinburgh, EH6 8PG  
("the House")**

**The Parties:-**

**Miss Katie Thomas, residing at the property  
("the Tenant")**

**Represented by Mr Callum O'Meara, 97 Napier Road, Glenrothes, Fife, KY6 1DT**

**Mrs Lynne Graham and Mr Ronald Graham, 31 Duddingston Park, Edinburgh, EH15 1JU  
("the Landlords")**

**Represented by Mr Amir Fard of Milards Property, Great Michael House, 14 Links Place, Edinburgh, EH6 7EZ**

**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 16 April 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 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 15 July 2018 before this witness:-

N Pryce

witness

P Pryce

NICHOLAS PRYCE name in full

55 BLYTHSWOOD ST  
GLASGOW Address

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/18/0133**

**27A Dalmeny Street, Leith, Edinburgh, EH6 8PG  
("the Property")**

**The Parties:-**

**Miss Katie Thomas, residing at the property  
("the Tenant")**

**Represented by Mr Callum O'Meara, 97 Napier Road, Glenrothes, Fife, KY6 1DT**

**Mrs Lynne Graham and Mr Ronald Graham, 31 Duddingston Park, Edinburgh,  
EH15 1JU**

**("the Landlords")**

**Represented by Mr Amir Fard of Milards Property, Great Michael House, 14  
Links Place, Edinburgh, EH6 7EZ**

**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 6 April 2018 in respect of the property, and taking account of the written information provided by the Tenant and 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 6 April 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 clear the garden of all deleterious materials and overgrown foliage to ensure that it is fit for human habitation.
- (b) To repair or replace the living room window, located to the left of the room from within the property, to ensure that it is in a reasonable state of repair and in proper working order.
- (c) To repair or replace the kitchen floor to ensure that it is free from damp and is in a reasonable state of repair and in proper working order.
- (d) To repair the holes in the walls located in the kitchen and the hallway to ensure that they are in a reasonable state of repair.
- (e) To repair or replace all of the defective electrical installations located within the property including the electric sockets in the living room and the smaller bedroom and the pendant light fittings throughout the property so that they are in reasonable state of repair and in proper working order.
- (f) Once the works in paragraph (e) are carried out, to produce an Electrical Installation Condition Report from a SELECT, NICEIC or NAPIT registered electrician and to undertake any work which is identified in said report to be of Category C1 or C2.
- (g) To repair or replace the coving and ceiling located in the living room to ensure that they are in a reasonable state of repair and in proper working order.
- (h) To replace the cracked and defective floor tiles in the shower room to ensure that they are in a reasonable state of repair and in proper working order.
- (i) To replace the missing lock mechanisms and door handles in the cupboards in the living room to ensure that they are in a reasonable state of repair and in proper working order.
- (j) To repair or replace the washing machine to ensure that it is in a reasonable state of repair and in proper working order.
- (k) To repair or replace the front door to ensure that it is 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, 8 May 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 7 June 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

15 July 2018

Date