

# 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/18/0150**

**Property: 80 St Andrew Street, Galashiels, TD1 1DY, registered in the Land Register under title number SEL2271 ('The House')**

**The Parties:-**

**Lee Miles residing at 80 St Andrew Street, Galashiels TD1 1DY ('the Tenant')**

**Graeme Sloan St John, 9 Walter Street, Wishaw ML2 9LQ and Stephen John Robert Wight, 73 Mossneuk Park, Wishaw, ML2 8LX ('the Landlords')**

**The Key Place, 6 Bank Street, Penicuik, EH26 9BG ('the Landlords' agent)**

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 dated 27th April 2018 has been completed. Accordingly the said Repairing Standard Enforcement Order relative to the property 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 the**

Upper Tribunal, 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(s) are executed by Mary-Claire Kelly, solicitor, Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE chairperson of the tribunal at Edinburgh on 29th November 2018 before this witness:-

N Ferguson

M C Kelly

\_\_\_\_\_witness

\_\_\_\_\_chairperson

NORMAN FERGUSON name in full

90 THISTLE HOUSE, Address

91 HAYMARKET TERRACE,

EDINBURGH EH12 5HE

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**Statement of Reasons: Housing (Scotland) Act 2006 Section 60**

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**Tribunal Members:**

Mary-Claire Kelly (Legal Member/Chairperson)

Greig Adams (Ordinary Member)

## **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 dated 27<sup>th</sup> April 2018 in respect of the property (hereinafter referred to as "the RSEO"), and taking account of the written information provided by the Landlord, determined that the Landlord has complied with the terms of the said RSEO and so the tribunal resolved to issue a Certificate of Completion in respect of the works required by the said RSEO in terms of section 60 of the Housing (Scotland) Act 2006 and to revoke the RSEO.

## **Reasons for Decision**

1. The tribunal made a RSEO in respect of the house on 30th April 2018.
2. The RSEO required the Landlord:

- a) To instruct a suitably qualified roofing contractor to carry out works to the roof of the house to ensure that there is no water ingress into the house;
- b) To carry out works to dry out the walls in the kitchen and living room of the house to ensure that damp meter readings in those rooms are within the normal range;
- c) To carry out works to repair any damage to the internal decoration in the property as a result of water ingress.

The tribunal ordered that the works be carried out within six weeks of service of the RSEO.

3. The Ordinary Member re-inspected the property on 31st July 2018. The Ordinary Member found that various roofing works had been undertaken which had addressed the water ingress into the house. The Ordinary Member also found that internal decoration works had been progressed to an acceptable standard. Accordingly paragraphs (a) and (c) of the RSEO had been complied with in full.
4. The Ordinary Member noted two small elevated moisture readings, one adjacent to the consumer unit in the living room and a further area on the left hand side of the rear kitchen wall.
5. The Ordinary Member's report was circulated to the parties. The Tenant responded on 10th August 2018 to advise that he did not feel it would be appropriate to grant a Rent Relief Order as the roof had been fixed.
6. The Landlord's agent responded on 21st August 2018. They advised that the elevated moisture reading in the living room would be addressed by ensuring that the door was kept open for extended periods and by use of a mini dehumidifier in the area. They also advised that tiles would be removed to the rear kitchen wall to allow the wall to dry out, before being re-tiled. The Landlord's agent advised that these works were ongoing.
7. The tribunal considered it reasonable in the circumstances to extend the period of time to complete the works to 7th October 2018 to allow the Landlord to undertake the proposed works in respect of the two areas of elevated moisture readings.
8. A further re-inspection was carried out on 30<sup>th</sup> October 2018. The Ordinary Member found that the outstanding repairs identified in the previous re-inspection report had been addressed and that moisture readings in the

kitchen and living room were at an acceptable level.

9. The tribunal were satisfied that the RSEO had been complied with in full. Accordingly the tribunal proceeded to issue a Completion Certificate.
10. The decision was unanimous.

### **Right of Appeal**

**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.

M C Kelly

Chairperson

29<sup>th</sup> November 2018  
Date