

# 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/18/0196**

**Sasines Description: ALL and WHOLE that property known as and forming flat 11/1 Cathcart Place, Edinburgh, EH11 2HD which is the southmost house on the ground floor of 11 Cathcart Place aforesaid being part of the subjects more particularly referred to and described in the Disposition to John Harvey, recorded 22 May 1900 in the General Register of Sasines.**

**11/1 Cathcart Place, Edinburgh, EH11 2HD  
("the Property")**

**The Parties:-**

**Mr Habibul Alam Kazi, residing at the property  
("the Tenant")**

**Mrs Mamataz Begum Rashid, 7 Orwell Place, Edinburgh, EH11 2AD  
("the Landlord")**

**Represented by Mrs Zarina Singh, APM Lettings, 198 Morrison Street,  
Edinburgh, EH3 8EB**

**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 14 June 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 11 September 2018 before this witness:-

N Pryce

\_\_\_\_ witness  
NICHOLAS PRYCE name in full  
55 BLYTHWOOD ST Address  
GLASGOW

P Pryce

\_\_\_\_  
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/18/0196**

**11/1 Cathcart Place, Edinburgh, EH11 2HD  
("the Property")**

**The Parties:-**

**Mr Habibul Alam Kazi, residing at the property  
("the Tenant")**

**Mrs Mamataz Begum Rashid, 7 Orwell Place, Edinburgh, EH11 2AD  
("the Landlord")**

**Represented by Mrs Zarina Singh, APM Lettings, 198 Morrison Street,  
Edinburgh, EH3 8EB**

### **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 Landlord had complied with the Repairing Standard Enforcement Order dated 31 May 2018 in respect of the property, and taking account of the written information provided by the Landlord and the Tenant determined that the Landlord has 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:-**

<b>Patricia Anne Pryce</b>	<b>- Chair and Legal Member</b>
<b>Andrew Murray</b>	<b>- Ordinary Member (Surveyor)</b>

## **Background**

1. On 31 May 2018, the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") issued a determination which stated that the Landlord 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 Landlord:
  - (a) To repair or replace the floor in the bathroom, including the floor covering, to ensure that it is in a reasonable state of repair and in proper working order.
  - (b) To repair or replace the kitchen units to ensure that they in a reasonable state of repair and in proper working order.
  - (c) To repair or replace the panel located behind the toilet in the W.C. to ensure that it is in 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 28 days of the date of service of the Notice, that is, 13 July 2018.
4. After further sundry procedure and a further inspection of the property being carried out by the Ordinary Member (Surveyor) of the tribunal on 1 August 2018. The Ordinary Member prepared a report of the inspection on 1 August 2018 which is attached to this decision. The tribunal considered correspondence received from both parties.
5. Given all of the circumstances, the tribunal found that all of the works in the RSEO 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

11 September 2018

Date