

Housing and Property Chamber

First-tier Tribunal for Scotland



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

Certificate of Completion of Work under Section 60 of the Housing (Scotland) Act 2006 as amended ("the 2006 Act")

Chamber Ref: FTS/HPC/RP/18/0898

Flat 3/1, 337 Wellshot Road, Glasgow, G32 7QW
TITLE number GLA15179
("The House")

The Parties:-

Mr David Wright, 14 Glebe Wynd, Bothwell c/o 24/7 Property Letting, 1257 Shettleston Road, Glasgow, G32 7NG
("the Landlord")

represented by

Mark Breen, 24/7 Property Letting, 1257 Shettleston Road, Glasgow, G32 7MG
("the Landlord's Representative")

Tribunal members

Susanne L. M. Tanner Q.C. (Legal Member)
Andrew Taylor (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') hereby certifies that the work required by the **Repairing Standard Enforcement Order ("RSEO")** relative to the House, dated 4 August 2018, has been completed. Accordingly, the said RSEO 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.

In terms of Section 63 of the Act, 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(s) are executed by Susanne L M Tanner, Queen's Counsel, legal member of the Tribunal,

at Edinburgh (place)
on 18 January 2019 (date)

in the presence of the undernoted witness:-

S Tanner

Susanne L. M. Tanner, Q.C.
Legal member and Chairperson of the tribunal

A Rees

_____ witness

AMANDA REES name in full

20 YORK STREET address

GLASGOW

G2 8QT

Housing and Property Chamber

First-tier Tribunal for Scotland



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

DECISION: Housing (Scotland) Act 2006 ("the 2006 Act"), Section 60

Chamber Ref: FTS/HPC/RP/18/0898

Flat 3/1, 337 Wellshot Road, Glasgow, G32 7QW
TITLE number GLA15179
("The House")

The Parties:-

Mr David Wright, 14 Glebe Wynd, Bothwell c/o 24/7 Property Letting, 1257 Shettleston Road, Glasgow, G32 7NG
("the Landlord")

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Mark Breen, 24/7 Property Letting, 1257 Shettleston Road, Glasgow, G32 7MG
("the Landlord's Representative")

Tribunal members

Susanne L. M. Tanner Q.C. (Legal Member)
Andrew Taylor (Ordinary Member)

DECISION

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal"), having taken account of: the findings of the re-inspection on 1 October 2018; the reasons for the decision of the tribunal dated 4 December 2018 that the Landlord has failed to comply with the Repairing Standard Enforcement Order; and the documentation submitted on behalf of the Landlord on 7 January 2019; determined that the Landlord has complied with the Repairing Standard

Enforcement Order dated 4 August 2018, albeit not within the stipulated time period.

2. The tribunal issued a Certificate of Completion in terms of Section 60 of the Housing Scotland Act 2006 (hereinafter "the 2006 Act").
3. The decision of the tribunal was unanimous.

STATEMENT OF REASONS

4. Findings-in-fact

- 4.1. The windows in the rear bedroom and bathroom have been replaced with new uPVC units, are capable of opening and closing and are wind and watertight.
- 4.2. The openings around the pipework in the ceilings in the hall cupboard and front bedroom have been sealed.
- 4.3. The broken double glazing unit to the right hand casement of the living room window had been replaced.

5. Findings in fact and law

- 5.1. The Landlord has ensured that the House is wind and watertight and in all other respects reasonably fit for human habitation.
- 5.2. The Landlord has ensured that the structure and exterior of the House (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
- 5.3. The Landlord has ensured that the fixtures, fittings and appliances provided by him in the House under the tenancy are in a reasonable state of repair and proper working order.
- 5.4. The House meets the repairing standard as specified in Section 13 of the 2006 Act.

6. Reasons

- 6.1. Reference is made to the full terms of (i) the Decision of the tribunal dated 4 August 2018; (ii) the Repairing Standard Enforcement Order dated 4 August 2018; (iii) the re-inspection Report of the ordinary member of the tribunal dated 2 October 2018; (iv) the Decision of the tribunal that the Landlord had failed to comply with the Repairing Standard Enforcement Order ("RSEO") dated 4 December 2018.
- 6.2. At the time of the tribunal's decision dated 4 December 2018, the tribunal determined that the Landlord had failed to comply with the RSEO, in particular the second order, in that the Landlord and the Landlord's Representative had not at that time produced any evidence to satisfy the tribunal's request that they had repaired or replace the broken double glazing unit to the right hand casement of the living room window, despite requests by the tribunal following the re-inspection of the Property on 1 October 2018.
- 6.3. On 7 January 2019, the Landlord's Representative submitted (i) an invoice from Wilz Windows and Doors, Glasgow, dated 18 November 2018, which refers to the Landlord's Representative and the address of the House and provides a description of works "supplied and fitted glass unit" at a cost of £130; and (ii) a photograph of the living room window of the House, including the right hand casement.
- 6.4. The tribunal is satisfied, having considered the documentation now submitted on behalf of the Landlord, and the findings on re-inspection on 1 October 2018, that all of the works in the RSEO have been completed, albeit that in the RSEO the tribunal ordered that the works specified in the Order must be carried out and completed within 30 days from the date of service of the Notice on 6 August 2018. Although not been completed within the stipulated period, the tribunal is satisfied on the basis of the documentation now submitted on behalf of the Landlord that all of the required works have now been completed.
- 6.5. The tribunal therefore decided to issue a Certificate of Completion in terms of Section 60 of the 2006 Act, on that basis.

7. Right of Appeal

- 7.1. **A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.**

7.2. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and 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.

S Tanner

Signed Susanne L M Tanner, Queen's Counsel
Legal Member and Chairperson of the tribunal

Date 15 January 2019