

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/18/1165**

**Land Register Number: MID82216**

**10/4 Dumbryden Grove, Edinburgh, EH14 2QW  
("the House")**

**The Parties:-**

**Ms Shannon Turnbull, residing at the property  
("the Tenant")**

**Mr Peter Arokiaraj, 55 Pikes Pool Drive, Kirkliston, Edinburgh, EH29 9GH  
("the Landlord") represented by Messrs Orchard Shipman, 2 Anderson Place,  
Sugar Bond, Third Floor, Edinburgh**

### **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 30 August 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 21 March 2019 before this witness:-

N Pryce

P Pryce

\_\_\_\_ witness  
\_\_\_\_  
NICHOLAS PRYCE name in full

55 BLYTHWOOD ST Address  
GLASGOW

\_\_\_\_  
Chair and Legal Member

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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

**Statement of Decision: Housing (Scotland) Act 2006 Section 60 (5)**

**Chamber Ref: FTS/HPC/RP/18/1165**

**10/4 Dumbryden Grove, Edinburgh, EH14 2QW  
("the House")**

**The Parties:-**

**Ms Shannon Turnbull, residing at the property  
("the Tenant")**

**Mr Peter Arokiaraj, 55 Pikes Pool Drive, Kirkliston, Edinburgh, EH29 9GH  
("the Landlord") represented by Messrs Orchard Shipman, 2 Anderson Place,  
Sugar Bond, Third Floor, Edinburgh**

### **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 21 August 2018 in respect of the property, and taking account of the written information provided by the Landlord, 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 21 August 2018, 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 Committee required the Landlord:
  - (a) To completely replace all of the fixtures and fittings in the bathroom, including the soiled timber flooring, to ensure that it is in a reasonable state of repair and in proper working order.
  - (b) To repair or replace the damaged worktop and cupboard door located in the kitchen so that they are in a reasonable state of repair and in proper working order.
  - (c) To repair the hole located in the kitchen ceiling so that it is in a reasonable state of repair and in proper working order.
  - (d) To repair or replace the floor covering in the kitchen so that it is in a reasonable state of repair and in proper working order.
  - (e) To repair the vent located on the window in the kitchen so 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 28 days of the date of service of the Notice, that is, 28 September 2018.
4. After sundry procedure, the Ordinary Member carried out a re-inspection of the property on 1 March 2019 and a copy of his report of same date is attached to this decision and referred to for its terms.
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

21 March 2019

Date

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Housing (Scotland) Act 2006: Re-inspection Report (third report)**

**Property: 10/4 Drumbryden Grove Edinburgh EH14 2QW**

**Chamber Reference : FTS/HPC/RP/1165**

**Re-inspection as at 1 March 2019 at 10.00am.**

**Weather conditions – dry and bright.**

**In attendance:**

**Tribunal Member (Surveyor): Andrew Murray**

**Tribunal Clerk**

**Landlord Agent : (Orchard Shipman)**

**Tenant : Ms S Turnbull**

### **Repairing Standard Enforcement Order (RSEO)**

#### **Works required by the RSEO:**

1. To repair or replace the floor covering in the kitchen, so that it is in a reasonable state of repair and proper working order.
2. To repair the vent located on the window in the kitchen, so that it is in a reasonable state of repair and proper working order

### **Findings on site**

Using the same enumeration as above.

1. The defective floor covering in the kitchen is repaired.
2. The defective vent in the kitchen window is repaired.

**Observations/comment:**

The Tribunal will now consider whether or not all matters are attended to satisfactorily in respect of the current RSEO.

This report will be distributed to the parties and their representatives for their comment. The report and comments received will be referred to the Tribunal for consideration and further action.

The photographic schedule apart as at 1 March 2019 should be read in conjunction with this report:

Report written by Mr Andrew Murray FRICS, MIFireE, Ordinary Tribunal Member, as at 1 March 2019.

**Photographic Schedule – 10/4 Drumbryden Grove Edinburgh EH14 2QW**

**To Accompany Case reference: FTS/HPC/RP/1165**

**Date of Reinspection: 1 March 2019**



**1 The entrance elevation**



**2 The new kitchen flooring**





**3 The repaired window vent**