

Housing and Property Chamber

First-tier Tribunal for Scotland



Certificate of completion of work

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

Under section 60 of the Housing (Scotland) Act 2006

Case Reference Number: FTS/HPC/RT/17/0019

Re: Flat 2/1, 39 Annette Street, Glasgow G42 8EH ("the house")

Land Register Title No: GLA84901

The Parties:-

Glasgow City Council – DRS Housing and Regeneration Services, Samaritan House, 3rd floor, 79 Coplaw Street, Glasgow G42 7JG ("the third-party applicant")

Mr Rana Mohammed Aslam and Mrs Nasreen Mohammed Aslam, 66 Rossendale Road, Glasgow G41 3RH ("the landlords")

Mr Tibor Gabor, residing at the house ("the tenant") (non-participating party)

Tribunal Member – Sarah O'Neill (Chairing member)

CERTIFICATE OF COMPLETION

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 house dated 4 April 2017 and issued by the tribunal on 18 April 2017 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house 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 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 printed on this and the previous page are executed by Sarah O'Neill, solicitor, chairperson of the First-tier Tribunal (Housing and Property Chamber), at Glasgow on the thirteenth day of September 2017 before this witness:

_____ witness **S O'Neill** _____ Chairing member

Brian Quinn name in full

4th Floor, 1 Atlantic Quay Address

45 Robertson Street

Glasgow, G2 8JB

Housing and Property Chamber

First-tier Tribunal for Scotland



**Statement relative to Certificate of Completion of Work issued by
the First-tier Tribunal for Scotland (Housing and Property Chamber)**

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Tribunal Member – Sarah O'Neill (Chairing member)

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') issued a Repairing Standard Enforcement Order (RSEO) in respect of the house dated 4 April 2017, and issued to the parties on 18 April 2017.
2. The RSEO required the landlords to:
 1. Instruct a suitably qualified and registered SELECT or NICEIC electrical contractor, or a member of NAPIT, to carry out an electrical safety inspection at the house.
 2. Should the electrical safety inspection identify any Category 1 or Category 2 observations, ensure that any necessary work is carried out by a suitably qualified contractor to address these observations and ensure that the electrical installation is in a reasonable state of repair and in proper working order.

3. Provide an up to date Electrical Installation Condition Report (EICR) in respect of the house by a suitably qualified and registered SELECT or NICEIC electrical contractor, or a member of NAPIT, showing that all electrical installations, fixtures and fittings and all appliances have been checked and are working safely.
4. Instruct a Gas Safe registered engineer to carry out any works required within the house to ensure that the protective equipotential bonding is working safely, and is in a reasonable state of repair and in proper working order.
5. Provide an up to date gas safety certificate (dated after 18 January 2017) in respect of the house by a Gas Safe registered engineer, showing that all gas installations and appliances, including the protective equipotential bonding have been checked and are working safely.

The tribunal ordered that the works specified in the RSEO must be carried out and completed within the period of 21 days from the date of service of the RSEO.

3. Following the issue of the RSEO, an email was received from the landlords' agent, AVJ Homes, enclosing an EICR dated 2 May 2017 in respect of the house. The EICR was carried out by T. Walsh Contracts, Ayr, a SELECT registered contractor, who assessed the electrical installation as satisfactory, and made no observations or recommendations for actions to be taken. The tribunal was satisfied that items 1,2 and 3 of the RSEO had been completed. No further correspondence was received from the landlords prior to the deadline for compliance with the RSEO.
4. The tribunal caseworker wrote to the landlords and their representative on 15 May 2017, noting that they had not provided evidence of compliance with items 4 and 5 of the RSEO; asking them to confirm whether these items had been completed; and if so, asking them to send the tribunal a copy of the up to date gas safety certificate by 29 May 2017.
5. An emailed response was received from the landlords' agent on 16 May, enclosing a copy of the gas safety certificate in respect of the house dated 5 January 2017, which had previously been considered by the tribunal. This certificate showed that the protective equipotential bonding failed the gas safety inspection. This was the reason why the tribunal found that the gas installation within the property failed to meet the repairing standard, and therefore included items 4 and 5 in the RSEO. Providing a further copy of this certificate did not therefore comply with items 4 and 5 of the RSEO.

6. The tribunal therefore issued a direction to the landlords on 5 June 2017, requiring them to provide evidence of compliance with items 4 and 5 of the RSEO by 23 June 2017.
7. An email was received from Mr Mohammed Aslam, one of the landlords, on 15 June, stating that he was having difficulty in gaining entry to the house to get works carried out, and asking the tribunal to arrange for access. The tribunal caseworker replied to him on 21 June, advising that it was the landlords' responsibility to arrange entry to the property, and providing information about the tribunal's right of entry application process. No further correspondence was received from the landlords after that date.
8. The tribunal issued a further direction to the parties on 27 July 2017, stating that it was minded to issue a Failure to Comply decision, and asking the parties to confirm by 18 August whether they thought a) that a Rent Relief Order should be issued by the tribunal, and b) if so, what percentage reduction they thought would be appropriate. At the same time, the tribunal wrote to the tenant, as a non-participating party who would be directly affected by any decision regarding a Rent Relief Order, asking for his views on the same issues. This was an evidence enquiry in terms of Schedule 2 Paragraph 3 of the Housing (Scotland) Act 2006.
9. On 7 August 2017, two emails were received from the landlords' agent. The first email to the tribunal attached a gas safety certificate in respect of the house dated 4 August 2017. The second was a forwarded email sent to the landlord, enclosing the certificate and pointing out that the gas engineer had made some comments, and suggesting that the issues identified should be rectified to ensure that they were working safely and in a correct working manner.
10. The gas safety certificate was provided by Mr John Sandar of All Cisterns Go, Johnstone, who is a Gas Safe registered engineer. While the certificate identified two defects relating to the hob and the grill, it found that the overall gas installation and appliances was working safely. It also stated that the protective equipotential bonding was satisfactory.
11. On 6 September 2017, the tribunal sent copies of the two emails of 7 August 2017, together with the gas safety certificate, to Mr John Dundas, Community Relations Officer with the third-party applicant, requesting any comments on these before making a decision. A reply was received by email from Mr Dundas on 8 September, commenting that the repairs to the hob and grill should be resolved, given the emphasis of the legislation on tenant safety.

were included in the third-party applicant's original application. The complaint which was made in the application in relation to the previous gas safety certificate (dated 5 January 2017) related to the protective equipotential bonding. The new gas safety certificate confirms that the bonding is now satisfactory. The tribunal further notes that no defects were noted on the gas certificate dated 5 January 2017 with regard to the hob and grill. These issues were not considered by the tribunal at its previous inspection and hearing, as they had not been raised. Indeed, they may have arisen during the period between that inspection and hearing and 7 August 2017.

13. The tribunal is therefore unable to require the landlords to rectify these matters, although it notes that it would be open to the third-party applicant or the tenant to make a further application to the tribunal regarding these issues. The tribunal therefore considers that items 4 and 5 of the RSEO have been completed satisfactorily, albeit some time after the initial deadline for compliance.
14. The tribunal therefore determined that the works required by the RSEO have been completed satisfactorily, and that the appropriate Certificate of Completion in terms of section 60 of the Housing (Scotland) Act 2006 should be issued.

Rights of Appeal

15. 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.
16. 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.

S O'Neill

Signed.....Date.....13/9/17
Sarah O'Neill, Chairing member

This is the gas safety certificate dated 4 August 2017 which is in the category standard of service

Serial No.
APP1060835

LANDLORD/HOME OWNER GAS SAFETY RECORD

This form allows the recording of the results of the required checks as defined by the Gas Safety (Installation and Use) Regulations. The information recorded on this form does not confirm that the installation was installed by a Gas Safe registered engineer, or that the installation complies with any relevant Building Regulations. Chimney systems were inspected visually and checked for satisfactory evaluation of products of combustion, a detailed internal inspection of the chimney system has not been carried out.



Registered Business Details REG NO 399043
 Gas operative JOHN SANDHU (Print name)
 Operative licence No. 4314575
 Company ALL CISTERS LTD (ACB)
 Address 14 DON PLACE
JOHNSCOTE
 Postcode PA5 0PS Tel No. _____

Job Address
 Name (Mr/Mrs/Miss/Ms) _____
 Address 39 ANNETTE ST
GLASGOW 2/1
 Postcode _____ Tel No. _____

Landlord (or where appropriate their agent)
 Name (Mr/Mrs/Miss/Ms) AVY HOMES
 Address 279 CASTLEMEIK RD
GLASGOW
 Postcode _____ Tel No. _____
 Number of appliances tested 2

APPLIANCE DETAILS																							
Location		Appliance type		Make		Model		Landlord's appliance		Appliance inspected		Flue type											
								Yes/No/N/A		Yes/No		Off/On/FL											
1	KITCHEN	COMBI		NOVERA		COMPACT		YES		YES		RS											
2	KITCHEN	COOKER		CAPRI		CREDA		YES		YES		FL											
3																							
4																							
INSPECTION DETAILS																							
Operating pressure in mbar or heat input in kW		Initial combustion analyser reading (if applicable)		Final combustion analyser reading (if applicable)		Safety device(s) correct operation		Ventilation provision satisfactory		Visual condition of chimney/termination satisfactory		Flue performance checks		Appliance serviced		Appliance safe to use		Approved CO alarm fitted		is CO alarm in date		Testing of CO alarm satisfactory	
1	27.2 kW	0.0004		—		YES		YES		YES		PASS		NO		YES		YES		YES		YES	
2																							
3																							
4																							

DEFECT(S) IDENTIFIED
 1 N. F.F.O.'S ON HO'S
 2 GRILL DOOR NOT WHITE
 3
 4

REMEDIAL ACTION TAKEN
 1
 2
 3
 4

Gas installation pipework satisfactory visual inspection Yes/No Y
 Emergency Control Valve (ECV) accessible Yes/No Y
 Satisfactory gas tightness test Yes/No/NA Y
 Protective equipment bonding satisfactory Yes/No Y

Next SAFETY CHECK DUE WITHIN 12 MONTHS

This Safety Record issued by: Signed John Sandhu
 Print Name: JOHN SANDHU
 Received by: Signed AVY HOMES
 Date appliance(s)/chimney(s) checked: 4.8.17

Refer to separate Warning Advice Notice

This is the safety certificate date 5 January 2014 referred to in the property statement of 4 days

B317748

LANDLORD/HOMEOWNER GAS SAFETY RECORD

This record can be used to document the outcomes of the checks and tests required by The Gas Safety (Installation and Use) Regulations. Some of the outcomes are as a result of visual inspection only and are recorded where appropriate. Unless specifically recorded no detailed inspection of the flue lining, construction or integrity has been performed. Registered Business/engineer details can be checked at www.gassafesystems.co.uk or by calling 0800 409 5500.



Details of Registered Business

Safe Register No 509211

Registered Engineer's Name L MARTIN

Safe Register Licence Number 3937054

Address LIVIN GAS

Address 81 WINTHILLIKKE AVE

Postcode GL4550W

Act No 544 345

Act No 07970195820

Details of Site

Address (Mr/Ms/Miss/Ms) AVETRE STONES

Postcode 2/1 39

Act No

Details of Customer/Landlord (to sign where appropriate)

Address (Mr/Ms/Miss/Ms) AVS HOMES

Postcode GL4550W

Act No 544 345

Act No 07970195820

Details of Appliances tested 2

Record issued by: Signature L MARTIN

Print Name L MARTIN

Received by: Signature Car

Date appliance(s)/flue(s) checked 5/1/17

Next safety check due by: 4/1/18

Record issued by: Signature L MARTIN

Print Name L MARTIN

Received by: Signature Car

Date appliance(s)/flue(s) checked 5/1/17

Next safety check due by: 4/1/18

Appliance Details

Location of	Type	Manufacturer	Model	Checked/Inspected	Inspected	Type of flue
1 KIT	CHB	VOKANA	COMNET 28	Y/N	Y/N	RIS
2 KIT	COOK	CORONA	CAPOR 1	Y/N	Y/N	FIL
3						
4						

Inspection Details

Operating pressure in mbar and/or heat input kW/h or Btu/h	Operation of safety device(s)	Ventilation satisfactory	Visual condition of flue and termination	Flue operation checks	Combustion analyser reading (if applicable)	Appliance serviced	CO Alarm fitted	CO Alarm tested (if fitted)	SAFE TO USE
1 31.6w	PASS	Y/N	PASS	N/A	0.0007	NO	Y/N	PASS	Y/N
2 13.6w	PASS	Y/N	PASS	N/A	—	NO	Y/N	PASS	Y/N
3									
4									

Defects Identified

1	Flues isolated	GL/SE classification eg: NCS, AR, ID	Warning/Advisory Record insert form serial No.
2	Boiler mounted onto timber - no strakes		
3	Boiler ran on plastic		
4	NO visible banding/gas pipe possibly sag/peaking		
1	Remedial Action Taken numbering should correspond to defects above.		
2	Boiler advised		
3	Boiler advised		
4	Boiler advised		
Details of Work carried out			
CO alarm fitted			

* Refer to separate Warning/Advisory Record

ATTENTION

Next safety check due by:

4/1/18