

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/RT/17/0222

Property Description: 96 Abbotsford Street, Falkirk, FK2 7PW being the subjects registered in the Land Register under title number STG5899 ("The House")

The Parties:-

Falkirk Council, Corporate and Housing Private Sector Team, Suite 1, The Forum, Callendar Business Park, Falkirk, FK1 1XR ("the Third Party Applicant")

Arturs Babenko and Monika Babenko, 96 Abbotsford Street, Falkirk, FK2 7PW ("the Tenants")

Janice Leary, 28 Castle Road, Bathgate, EH48 2UB (represented by her agent, Steven Rollo of Let Link) ("the Landlord")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Joan Devine (Legal Member) and Carol Jones (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** relative to the Property dated 18 January 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 apply 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 date 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 Joan Devine, Solicitor, Cornerstone, 107 West Regent Street, Glasgow G2 2BA, Chairing Member of the Tribunal, at Glasgow on 16 April 2018 before this witness:-

L Smith

..... (Witness)

LAURA SMITH (Name in Full)

Cornerstone, 107 West
Regent St, Glasgow
G2 2BA (Address)

J Devine

/ (Chairperson)

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier

Tribunal for Scotland (Housing and Property Chamber)

Statement of Reasons for Certificate of Completion of Work : Housing (Scotland) Act 2006 Section 60 and Section 52 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2016

Chamber Ref: FTS/HPC/RT/17/0222

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DECISION

The Tribunal, having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order dated 18 January 2018 (hereinafter referred to as the "RSEO") in terms of Section 26(1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act"), decided that the works specified in the RSEO have been completed to the satisfaction of the Tribunal, and grants a Certificate of Completion to the effect of discharging the RSEO. The Tribunal's decision is unanimous.

REASONS

1. Reference is made to the RSEO which required the Landlord to carry out the works specified therein within 6 weeks from the date of service of the RSEO.
2. Following the expiry of the time limit, the ordinary member carried out a re-inspection of the House on 19 March 2018 and prepared a report thereon dated 19 March 2018. A copy of the re-inspection report is annexed hereto.
3. The re-inspection carried out on 19 March 2018 disclosed that the works specified in the RSEO had been completed.
4. The Tribunal resumed consideration of the Application and determined that in view of the terms of the re-inspection report, it was not necessary to hold a hearing, and it determined to issue a Certificate of Completion to the effect of discharging the RSEO.

APPEAL

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.

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.

16 April 2018

Date

J Devine

Legal Member

JOAN DEVINE

Full Name

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



Re-inspection report



*Glasgow 16 April 2018
This is the re-inspection report referred to in the foregoing Statement of Reasons.*

J Devine

Date of inspection: Monday 19 March 2018

Reference Number: FTS/HPC/RT/17/0222

Property: 96 Abbotsford Street Falkirk FK2 7PW

Surveyor: Carol L Jones MA MRICS

Previous Inspection: The subject property was inspected by the tribunal on 17 August 2017 and following a consultation with the Chief Fire Officer a Repairing Standard Enforcement Order (RSEO) dated 18 January 2018 was served.

Access: Access was provided by the landlord's agent Mr Steven Rollo from Let Link.

Weather: Dry, sunny and cold

In attendance: Mr Steven Rollo and Kate Smith, Private Sector Officer from Falkirk Council attended the inspection. The tenants have vacated the property. It is currently unoccupied and available on the market to let with the letting agency Let Link.

Repairing Standard Enforcement Order (RSEO)

The following works are required by the RSEO dated 18 January 2018.

The Tribunal now requires the Landlord to carry out such work as is necessary for the purpose of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good before the date specified in this order.

In particular the Tribunal requires the Landlord to install a ceiling mounted hard wired and interlinked smoke detector on the landing at the top of the stairway.

The Tribunal orders that the works specified in this order must be carried out and completed within the period of six weeks from the date of service of this notice.

Works in the RSEO's undertaken - see attached photographs:

The landlord has installed a new ceiling mounted smoke alarm to the landing at the top of the stairway. While not required by the order, an additional ceiling mounted smoke alarm has also been installed in the ground floor vestibule. Both alarms are hardwired and interlinked with the other smoke alarms within the flat. A test was carried out at the re-inspection which confirmed they are all functioning properly and are interlinked.

All photographs were taken at the re-inspection on 19 March 2018 (see schedule below).

Comments: This report will be submitted to the First-tier Tribunal for Scotland (Housing and Property Chamber) for their decision.

Carol L Jones MA MRICS

Ordinary Member (Surveyor)

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

19 March 2018

Schedule of photographs taken during the re- inspection of 96 Abbotsford Street, Falkirk FK2 7PW by the ordinary member (surveyor) of the First-tier Tribunal for Scotland (Housing and Property Chamber) on the 19 March 2018.

Reference Number: FTS/HPC/RT/17/0222



New smoke alarm - Landing



New smoke alarm - Vestibule