

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 Act")

Chamber Ref: FTS/HPC/RT/18/1423

Title Number: ANG80566

16 Gruinard Terrace, Dundee, DD4 9SW ("the Property")

The Parties:-

MRS ELIZABETH CALMAN residing at 178 Perth Road, Dundee, DD1 4JS ("the Tenant")

DUNDEE CITY COUNCIL, City Chambers, Dundee, represented by Mr Stuart Cuthill ("the Applicants")

MR BRIAN FINNEGAN and MRS MARILYN FINNEGAN, spouses residing together at 36 Mansion Drive, Dalclaverhouse, Dundee ("the Landlords")

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 Property dated 12 September 2018 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 are executed by Ewan K Miller, legal member of the Tribunal, at Dundee on 22 January 2019 in the presence of the undernoted witness:-

C L Robertson

E K Miller

witness

Legal member

Claire Louise Robertson (name in full)

Whitehall House, 33 Yeaman Shore (address)

Dundee, DD1 4BJ

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

Chamber Ref: FTS/HPC/RT/18/1423

16 Gruinard Terrace, Dundee, DD4 9SW ("the Property")

The Parties:-

MRS ELIZABETH CALMAN residing at 178 Perth Road, Dundee, DD1 4JS ("the Tenant")

DUNDEE CITY COUNCIL, City Chambers, Dundee, represented by Mr Stuart Cuthill ("the Applicants")

MR BRIAN FINNEGAN and **MRS MARILYN FINNEGAN**, spouses residing together at 36 Mansion Drive, Dalclaverhouse, Dundee ("the Landlords")

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 ("RSEO") in relation to the Property concerned and taking account of the subsequent re-inspection of the Property, determined that the Landlords had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a Decision dated 12 September 2018, the Tribunal had issued a determination that the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Tribunal had placed an RSEO on the Property also dated 12 September 2018, the RSEO require the Landlord:-
 - (a) To provide a current gas safety certificate by a registered engineer disclosing all appropriate tests have been carried out and confirming that all gas appliances at the property are in safe working order
 - (b) To carry out such works of repair or replacement to the front door as to render it properly wind and watertight and fit for purpose

The RSEO required the Landlords to carry out the works within a period of 6 weeks from the date of service of the RSEO.

3. On 15 November 2018, a re-inspection of the Property was carried out by Mrs Geraldine Wooley, Ordinary Member and Qualified Surveyor of the Tribunal. The Landlords had now provided a Gas Safe Certificate dated 18 October 2018 issued by a registered engineer, which showed that the system had passed the relevant tests for domestic appliances. The Tenant confirmed that the Landlords had completed repairs to the boiler, and the central heating was clearly in working order at the time of the re-inspection.
4. The Landlords had draught-proofed the letterbox and re-hung the door to achieve a weatherproof seal. Externally the appearance of the door had been improved although the Tenant informed Ms Wooley that the Landlords intended to replace it in the near future in any event.
5. The Tribunal (comprising Mr E K Miller, Chairman and Legal Member and Mrs G Wooley, Ordinary Member) considered matters. It was apparent that the two items required to be completed in terms of the RSEO had now been actioned. The Tribunal accordingly determined that the RSEO should now be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act should be granted.
6. A copy of the re-inspection report and photographs taken at the re-inspection on 15 November 2018 are attached for information.

Decision

7. The Decision of the Tribunal was to lift the RSEO and grant a Certificate of Completion discharging the RSEO.
8. The decision of the Tribunal was unanimous.

Right of Appeal

9. 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.

Effect of section 63

10. 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.

E K Miller

Signed

..... Chairperson

Date

..... 22/1/19

Housing and Property Chamber

First-tier Tribunal for Scotland



Re-inspection report

Property: 16 Gruinard Terrace Dundee DD4 9SW

Ref no: FTS/HPC/RT/18/1423

Surveyor : Geraldine Wooley MRICS

Access: 15/11/18 at 10 am
Weather- fine and bright

Attendee: Mrs Elizabeth Calman – tenant



General comments: since the inspection of 30/08/18 further work has been carried out to the gas boiler and a correctly dated gas safe certificate has been received (appendix 1). The front door has been repaired and the tenant informed me that the landlord intends to replace it.

RSEO: works required:

- (a) To provide a current gas safety certificate by a registered engineer disclosing all appropriate tests have been carried out and confirming that all gas appliances at the property are in safe working order
- (b) To carry out such works of repair or replacement to the front door as to render it properly wind and watertight and fit for purpose

Works in RSEO undertaken:

- a) The landlord has provided a Gas Safe certificate dated 18/10/18 (Appendix 1) , issued by a registered engineer, which shows the system to have passed the tests for domestic appliances. The tenant confirmed that the landlord has completed repairs to the boiler, and the central heating was clearly in working order at the time of the inspection.
- b) The landlord has draught-proofed the letterbox (see photo sheet 1a) and re-hung the door to achieve a weather-proof seal (see photo sheet 1b). Externally the appearance of the door has been improved (photo sheet 1c) but the tenant informed me that the landlord has agreed to replace it in the near future.

Domestic Landlord Gas Safety Record

Date:	18th October 2018	Ref:	A0002001
Gas Safe Reg No:	153962	Serial no:	GAUK00032655



Details of Registered Business		Details of Landlord / Homeowner		Details of Site	
Name:	Safe Gas ServicesDundee Ltd	Name:	Mr Brian Finnegan	Name:	Mr Brian Finnegan
Address:	C/O Grant Mackenzie 189 Fintry Drive Dundee Angus	Address:	16 Grunard Terrace Mill of Mains Dundee Angus	Address:	16 Grunard Terrace Mill of Mains Dundee Angus
Postcode:	DD49LG	Postcode:	DD4	Postcode:	DD4
Contact Number:	01382270083	Contact Number:		Contact Number:	

Appliance Details				Final check results					
Location	Type	Manufacturer	Model	Owned by Landlord	Appliance Inspected?				
1 Airing Cupboard	Potterton	Profile	24	Yes	Yes				
<table border="1"> <tr> <th>Flue Type</th> <th>Room sealed fan flue</th> </tr> <tr> <td></td> <td></td> </tr> </table>						Flue Type	Room sealed fan flue		
Flue Type	Room sealed fan flue								
<table border="1"> <tr> <th>Outcome of gas tightness test</th> <th>Pass</th> </tr> <tr> <td></td> <td></td> </tr> </table>						Outcome of gas tightness test	Pass		
Outcome of gas tightness test	Pass								
<table border="1"> <tr> <th>Is the main protective equipotential bonding satisfactory?</th> <th>Yes</th> </tr> <tr> <td></td> <td></td> </tr> </table>						Is the main protective equipotential bonding satisfactory?	Yes		
Is the main protective equipotential bonding satisfactory?	Yes								
<table border="1"> <tr> <th>Is the emergency control accessible?</th> <th>Yes</th> </tr> <tr> <td></td> <td></td> </tr> </table>						Is the emergency control accessible?	Yes		
Is the emergency control accessible?	Yes								
<table border="1"> <tr> <th>Satisfactory visual inspection of gas installation pipework?</th> <th>Yes</th> </tr> <tr> <td></td> <td></td> </tr> </table>						Satisfactory visual inspection of gas installation pipework?	Yes		
Satisfactory visual inspection of gas installation pipework?	Yes								

Notes

Defects Identified		Remedial Work Details		Label & Warning Notice		Combustion Performance Readings				
						Low		High		
						CO	CO ²	Ratio	CO	Ratio
						N/A	N/A	0.0001	N/A	.0002

Next Inspection Is Due Before:		Record Issued By:		Received By:	
18th October 2019		Signature:		Signature:	
		Gas Engineer Grant Mackenzie		Name Mr Finnegan	
		Gas Safe Licence 4083852		Position Owner	
		Date 18th October 2018		Date 18th October 2018	



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Reinspection 15 November 2018

Appendix 2 - photos

Photo sheet 1a: front door – letterbox (interior)



As at 30/08/18: letter box is poorly fitted with no draught-proofing



As at 15/011/18: new letterbox draught excluder fitted

Photo sheet 1b: front door – draught proofing



As at 30/08/18:
no draught-
proofing and
daylight can be
seen internally
approx. 500mm
from the floor



As at 15/11/18: the door has
been re-hung and a better
weather seal achieved. No clear
daylight can be seen internally

Photo sheet 1c: front door - external



As at 30/08/18



As at 15/11/18